Responses to Comments:

Organizations

Comment Letter O-01 (Rose Strickland, Toiyabe Chapter of the Sierra Club, October 3, 2009)

Letter O-01

Toiyabe Chapter
P.O. Box 8096
Reno, NV 89507

October 3, 2009

USDOI/Bureau of Reclamation
ATTN: Jennifer Rogers
630 K St.
Sacramento, CA 95814

Re: Walker River Basin Acquisition Program draft EIS

Dear Ms. Rogers,

On behalf of the 5,500+ members of the Toiyabe Chapter of the Sierra Club in Nevada and the eastern Sierra, I am submitting comments on the draft Environmental Statement on the Walker River Basin Acquisition Program. Many of our members either live in Mineral and Lyon Counties or recreate at Walker Lake. The Sierra Club has been deeply involved since the early 1990's in cooperative efforts with Mineral County, federal and state agencies, the Walker River Paiute Tribe, farmers, residents, scientists, and Walker Lake enthusiasts to acquire water to save Walker Lake's fragile ecosystem. Our activities included conducting tours of the river system and the lake, participating in meetings and conferences on solving Walker Lake basin problems and in annual Loon Day events, as well as sponsoring a Walker Lake Arts Festival in 1999 in Hawthorne. O01-1

We thank the Bureau of Reclamation for preparing this EIS so that the public can learn more about and comment on alternatives and potential impacts of acquiring water for Walker Lake and environmental restoration in the entire Walker River basin. The document is an excellent compendium of up-to-date information on the resources, both natural and human, in the basin, as well as the current complex system of managing surface and groundwater. The dEIS provides a solid basis on which to describe potential water acquisition programs for Walker Lake and the potential impacts of such programs. O01-2

The Sierra Club strongly supports the proposed water acquisition programs for Walker Lake and environmental restoration in the Walker River basin, especially its watersheds and wild Lahontan cutthroat trout in the Walker River and its tributaries. O01-3

Walker Lake is a local, state, national, and international treasure as one of only a handful of terminus lakes in the world. Its many values include its fishery, its habitat for wildlife, especially resident and migratory birds, its recreational opportunities, its traditional values for the Walker River Paiute Tribe, and its essential part in the economy and spirit of Mineral County and western Nevada. O01-4

The Sierra Club strongly supports alternative 1, the Proposed Project. It appears to be the only alternative which will reliably provide at least the minimum 50,000 acre feet of water to begin restoration of Walker Lake and should receive the bulk of federal funds authorized and appropriated by Congress for acquisition. We also endorse the acquisition of water rights from willing sellers and leasers. The No Action alternative should be rejected as unacceptable because it will eventually result in the destruction of the Walker Lake ecosystem and public health problems of blowing dust from the dry lakebed. O01-5

We do not support alternative 2 at this time because we do not believe that a middle-agent (WRID) is needed between sellers and buyers of water rights for Walker Lake. O01-6

If the demonstration WRID leasing project proves to be ineffective, no acquisition funds should be expended to implement alternative 2. O01-7

All acquisition programs should be monitored for effectiveness and prioritized so that those which most reliably provide water for Walker Lake are funded and those least likely to provide water to the lake are not funded. O01-8

We do support water leasing, but only if permanent water rights cannot be acquired from willing sellers. We also support efforts to improve water efficiency, especially system efficiencies, with the conserved water being transferred to Walker Lake. O01-9

While we support efforts to carefully track the effectiveness of transporting acquired water to Walker Lake, we believe the final EIS should also examine the overall tracking of Walker basin water uses. It is a very complicated system, with overlapping water management authorities of state, federal, and regional agencies. We urge that a more transparent water management system for the Walker River basin be studied in the EIS, so that all stakeholders can see and understand what is happening to basin water. For example, the federal water master could publish on a weekly or monthly basis all water diverted from the river, its diversion points and amounts, and any problems within the system on deliveries of water. O01-10

We would like to see more information and explanations on the following issues and questions in the final EIS:

1. Spending $56,000,000 in acquiring water rights in the 3 upriver valleys will have enormous economic benefits to the local communities, yet we did not see this addressed in the draft EIS. While some of the funds will be a one-time expenditure, other funds may be expended annually. All will have tremendous multiplier effects on local economies. O01-11

2. We could not find information on the annual operations and maintenance costs charged by WRID for delivery of water to Walker Lake through WRID facilities in the draft EIS. What are these annual costs and what is the source of revenue to cover these annual fees? O01-12

3. Why wasn't cloud seeding considered as a source of water for Walker Lake and the Walker River basin in the dEIS? O01-13

4. We are concerned that there was little discussion in the dEIS on how acquired water would be delivered to Walker Lake. Will water deliveries be done in an environmentally beneficial manner which could help meet fish habitat requirements, both in the river and in the lake? O01-14

5. How will water rights acquisitions for Walker Lake be tracked and what kind of enforcement mechanisms will be used to ensure that acquired water is delivered to Walker Lake? If violations of rules and regulations governing delivery are violated, what are the fines and penalties? O01-15

6. Since the current Walker River basin water management system is dominated by agricultural users, how will effective delivery of acquired water for Walker Lake be monitored to ensure fairness and impartiality of the federal water master and WRID? O01-16

Comment Letter O-01 Continued (Rose Strickland, Toiyabe Chapter of the Sierra Club, October 3, 2009)

7. How will followup management of fallowed farm fields be conducted to prevent dust and weed problems? O01-17

8. We could not find information in the dEIS on current and future non-agricultural development in the 3 areas, although many subdivisions and housing developments are occurring in the area, especially along the Walker River. This development has and will continue to affect local agricultural production and water uses, perhaps more than water acquisitions for Walker Lake. O01-18

9. We believe that much more work needs to be done to integrate sustainable surface and groundwater to benefit all water users in the Walker River basin. How can this be done? O01-19

10. The dEIS provides little information on how the local non-profit entity which will oversee the acquisition and management of water rights for Walker Lake will be set up and operate. The charter for this entity should be explicit in its mission and fiduciary responsibility of protecting Walker Lake. Failure of any member of the entity to carry out this mission should be grounds for replacement. At a minimum, conservationists, anglers and representatives of Mineral County and the Walker River Paiute tribe should be included. O01-20

Thank you for considering our comments.

Sincerely,

/s/

Rose Strickland
Toiyabe Chapter of the Sierra Club

Responses to Comments of Letter O-01 (Rose Strickland, Toiyabe Chapter of the Sierra Club, October 3, 2009)

O01-1

Comment acknowledged.

O01-2

Comment acknowledged.

O01-3

Comment acknowledged.

O01-4

Comment acknowledged.

O01-5

See Standard Response 6, Alternatives.

O01-6

Comment acknowledged.

O01-7

New Legislation in PL 111-85 authorizes funding for a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows. Under the Acquisition Program administration, annual evaluation of the demonstration program will assess whether and how a long-term leasing program fits within a larger flow restoration effort.

O01-8

Comment acknowledged and provided to NFWF for their consideration. See also Standard Response 6, Alternatives.

O01-9

See Standard Response 6, Alternatives. Leasing and efficiency conservations measures will likely be considered as part of a combination of acquisition methods that could provide water to the lake. PL 111-85 specifically authorizes a 3-year leasing pilot project to be implemented by WRID.

O01-10

This request is outside of the scope of Reclamation's role for funding the Acquisition Program and for the EIS. The Purpose and Need for the EIS is to comply with the authorizing legislation. Tracking of Walker Basin water uses is not Reclamation's responsibility. Implementation and administration of the Acquisition Program will be done by NFWF as authorized in PL 111-85.

O01-11

It is difficult to estimate the degree to which payments made to willing sellers would then be spent in the local economy. Estimating the socioeconomic effects of implementing the program with a reasonable degree of certainty is difficult without additional detail regarding the many variables that would need to be considered, including payment amounts, geographic location, timing, and willingness to reinvest in substitute crop types or other local businesses.

Studies on the impacts of water reallocation have concluded that beneficial regional socioeconomic impacts may accrue as increased income to landowners occurs as a result of purchasing water from willing sellers (Local Entity and San Diego County Water Authority 2004, Palo Verde Irrigation District 2002). These reports conclude that some portion of sellers typically increase expenditures in the local and regional economy. However, these expenditures are not

typically large enough to offset the adverse socioeconomic impacts of lands withdrawn from agricultural production.

O01-12

WRID does not operate facilities to provide water to Walker Lake, and it is anticipated that water will remain in the Walker River for delivery to Walker Lake. Charges associated with operation of WRID's delivery system are borne by the users of the system. The Revised DEIS discusses that NFWF will enter into assessment agreements with the relevant ditch companies, USBWC, and/or WRID, and will continue to pay the apportioned share of ongoing operation and maintenance costs for all water rights acquired.

O01-13

As described in Chapter 2 (Alternatives Proposed During Scoping-Actions Eliminated from Further Analysis), cloud seeding was eliminated from consideration during the scoping process. Cloud seeding did not meet the Purpose and Need for the Acquisition Program as identified in Revised DEIS, in conformance with legislation that authorized the funding was for acquisitions. Cloud seeding is ongoing and can continue as funded under other Congressional authorizations or funding from other sources.

O01-14

Water deliveries could be timed to maximize environmental benefits. However, this Revised DEIS assumes there would be no changes to operations at Bridgeport and Topaz Lake Reservoirs. Delivery schedules that are different that past operations could be considered at a later date. See Standard Response 12, Topaz Lake Reservoir and Bridgeport Reservoir.

O01-15

See Standard Response 8, Measurement and Enforcement. Neither Reclamation nor NFWF has authority to impose fines and penalties. The oversight of Decree C-125 lies with the federal water master, the NSE, WRID, and other jurisdictional entities.

O01-16

See Standard Response 8, Measurement and Enforcement, and the Response to Comment O01-15.

O01-17

In regard to dust, landowners would continue to be required to comply with air quality regulations, just as they have in the past. If NFWF were to acquire land in addition to water rights, NFWF would also comply with these air quality regulations. Regarding weed species, state and local ordinances would prevail. As described in Chapter 4, Biological Resources—Vegetation and Wetlands, under Noxious and Invasive Weeds, noxious weeds are regulated by the Nevada Department of Agriculture, which maintains a list of noxious weeds in the state (Nevada Department of Agriculture 2008) (Revised DEIS, Appendix 4B). As described in Appendix 1B, Regulatory Information, "The Nevada Department of Agriculture maintains a list of noxious weeds in the state (Nevada Department of Agriculture 2008), and is authorized to investigate noxious weed occurrence and require landowners or occupants to control noxious weeds (NRS 555 sections 005-217)." Also see Standard Response 5, No Mitigation in EIS.

O01-18

The conversion of farmland to residential and other uses is described in Chapter 7, Land Use and Agriculture, in the Environmental Consequences section under the No Action Alternative. The Revised DEIS analyzes whether implementing the Acquisition Program would violate local policies, such as county plans, and Chapter 7 includes land use trends. The Revised DEIS shows the amount of existing agricultural land acreages and acknowledges that the number is dynamic and changes from year to year. Actual trends in

land use zoning changes were not analyzed, but Chapter 7, Land Use and Agriculture, describes the increase in population in Lyon County and the pressure that such a population increase can put on agricultural land.

O01-19

It is anticipated that program implementation, including purchase and retirement of supplemental groundwater rights, responding to surface-groundwater interaction issues in the change approval process, and subsequent monitoring and accounting will result in a more integrated and sustainable surface and groundwater management system over time.

O01-20

NFWF is designated by PL 111-85 to develop the local nonprofit entity. NFWF has begun meeting with stakeholders in the Walker River Basin. The Sierra Club's list of suggested participants has been provided to NFWF.

Comment Letter O-02 (Doug Busselman, Nevada Farm Bureau Federation, October 5, 2009)

Nevada Farm Bureau Federation
2165 Green Vista Dr., Suite 205, Sparks, NV 89431
Phone: (775) 674-4000 or Toll-Free (800) 992-1106

October 5, 2009 Letter O-02

Mrs. Caryn Huntt DeCarlo
Bureau of Reclamation
705 N Plaza, Room 320
Carson City, NV 89701

REF: Nevada Farm Bureau Comments For Walker River Basin Acquisition Program Draft Environmental Impact Statement

Sent via e-mail to: chunttdecarlo@usbr.gov

Nevada Farm Bureau wishes to have these comments included in the public comments regarding the Draft Environmental Impact Statement for the Walker River Basin Acquisition Program. O02-1

Having reviewed the Draft Environmental Impact Statement for the Walker River Basin Acquisition Program and having participated in the public meeting on the subject that was held in Yerington, we are aware that the Bureau of Reclamation does not intend to continue this process through the final decision process, normally associated with a National Environmental Policy Act (NEPA) related Environmental Impact Statement process. We believe that the environmental assessment process for the acquisition program has been a sham, using the apparent public input system without intentions for the decision makers to ever be linked to any actual outcome of assessment options.

The guise of this being pursued as a legitimate assessment has been shed and the actual outcome that the Nevada System of Higher Education not being accountable to the Environmental Impact Statement findings have been made known. Although we fully anticipated a pre-determined set of findings, dictated by the wishes for the funds to be spent for acquisition of agricultural water rights, we cannot dismiss the manner in which the process was misused to give an impression of propriety without any intention for the findings to be used in any meaningful fashion. O02-2

We also wish to note, for the official record, that we believe the information presented in the Draft EIS, was very poorly organized and presented. Relationship between the economic consequences and the benefits to be achieved were not connected or even related, most likely because there is no economic or social benefit to be achieved by conducting the acquisition and likely transfer of water from agricultural production to Walker Lake. The socioeconomic evaluation in Chapter 10 failed completely to accurately identify the consequences of the water acquisition in the impacted areas (attempting to spread the analysis to a wider scope without honestly noting the nature of the specific communities to be negatively harmed). The evaluation also failed to present the dynamics of the impacts for water acquisitions for the water right owners who made the decision to not enter into sales agreements. O02-3

We also maintain that the topic of economic gain (if any) for recreation should have been presented in a side-by-side comparison, against the loss associated for agricultural production. Such an assessment would provide a cost/benefit analysis that could be evaluated and accountability for projections could be established. Instead the Draft EIS format was presented with a severely lacking economic assessment and environmental benefits presented without any context for what the costs are to achieve the supposed gains. O02-4

We are deeply disappointed with the environmental assessment made on the negative consequences for the land areas impacted by the withdrawl of agricultural irrigation. Far greater detail and assessment should have been afforded to impacts on groundwater, weeds, dust containment, etc. Consideration and identification of mitigation requirements for those entities purchasing water rights should have also been included. O02-5

Overall, the Draft EIS and the analysis process used for the Walker River Basin Acquisition Program has made a mockery of the National Environmental Policy Act and has demonstrated the worst possible methods used to achieve the pre-determined end results for this project. For those responsible for the planning and execution of the plan to make this appear to be a valid assessment without the accountability associated, congratulations…your objectives have been achieved. O02-6

Doug Busselman,
Executive Vice President

Responses to Comments of Letter O-02 (Doug Busselman, Nevada Farm Bureau Federation, October 5, 2009)

O02-1

Comment acknowledged.

O02-2

The DEIS was prepared by Reclamation as an informational document given the high level of public interest and commitment by Reclamation to present all potential impacts of the Acquisition Program and to provide opportunity for public input. The Revised DEIS analyzes an Acquisition Program as specifically directed in authorizing legislation rather than "wishes for funds to be spent for acquisition"; the analysis reflected required compliance with the various authorizing public laws.

The expected adverse and beneficial impacts of the Acquisition Program were described in the Revised DEIS. All alternatives, including the acquisition alternatives and the No Action Alternative, would have potentially significant adverse impacts. An EIS is prepared when significant impacts are expected to occur. NEPA does not prohibit implementation of an action with significant adverse impacts; NEPA merely requires that the impacts be presented and considered prior to implementation. Therefore, there is no need to bias impacts. See Standard Response 3, No FEIS/No ROD.

O02-3

The Revised DEIS format follows standard protocol for an EIS. Without any specifics on what the commenter finds poorly organized, we do not know what to change to facilitate improving "organization and presentation".

The DEIS included a discussion of potential losses in employment and income in Lyon County and in Mason Valley and Smith Valley as a result of losses in agricultural production. Conversely, also discussed are the potential increases in employment and income in Mineral County as a result of increases in recreation opportunities at Walker Lake. The potential losses in employment and income were disclosed in Chapter 10, Socioeconomics, and are shown in Table 10-1 of the Revised DEIS. The Revised DEIS also includes a discussion of the potential benefit to employment as a result of implementing the Acquisition Program. Estimating how the Acquisition Program would affect remaining agricultural operations is difficult to predict. Chapter 10 of the Revised DEIS does include a discussion of the potential impact of the Acquisition Program on property values. The assessment concludes that such a large decrease in irrigated agriculture within Mason Valley and Smith Valley would most likely result in a reduction in property values. Based on comments received, Chapter 10 was revised to better display local- and county-level impacts.

O02-4

An EIS assesses impacts on the human environment, which encompass “ecological, aesthetic, historic, cultural, economic, social, or health” impacts. Impacts “may have both beneficial and detrimental effects” and the role of an EIS is to fully disclose these impacts, both adverse and beneficial, but not to make value judgments about those impacts The federal agency should not be weighing the merits and drawbacks of the various alternatives as displayed in a monetary cost-benefit analysis especially where there are important qualitative considerations. Impacts are not, therefore, compared against each other as that would imply inappropriate value judgments. For example, while adverse economic impacts on agriculture may have a higher dollar value than beneficial economic impacts from increased recreation at Walker Lake, it would be inappropriate to judge which community should benefit or be adversely affected. In addition, the beneficial impacts on Walker Lake from receiving enough inflow to support a healthy, viable lake

ecosystem and fisheries should not be compared to the adverse impacts of the loss of wildlife habitat caused by some fallowing of agricultural fields; this would be an inappropriate judgment of relative importance of each. Instead, an EIS discloses the impacts, both beneficial and adverse, and does not attempt to weigh importance or value, nor does it do a cost-benefit analysis.

O02-5

Reclamation made every effort in development of the Revised DEIS to fully discuss impacts on groundwater, weeds, dust containment, and other resources. Public comment assisted with determining the impacts associated with these resources. The Administrative DEIS was also made available for review and comments from local, state, federal and tribal Cooperating Agencies, and their comments were considered in the development of the public DEIS. Those Cooperating Agencies who were requested to provide comments included several with expertise and interests in the upstream agricultural communities such as Lyon County, WRID, and Mason and Smith Valley Conservation Districts, as well as others with interests throughout the Walker Basin. Some of the Cooperating Agencies did provide review and comments related to their expertise, which was helpful to updating current data, improving the analysis, and fully disclosing impacts.

O02-6

Comment acknowledged. See also Standard Responses 3, No FEIS/No ROD; and 7, No Bias in NEPA Impacts Analysis.

Comment Letter O-03 (Garrit Voggesser, National Wildlife Federation, October 5, 2009)

NATIONAL WILDLIFE FEDERATION®
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303-786-8001
www.nwf.org

Letter O-03

October 5, 2009

Caryn Huntt DeCarlo, Walker EIS Project Lead
Bureau of Reclamation
705 N. Plaza Street, Room 320
Carson City, NV 89701

Via email to chunttdecarlo@usbr.gov

Re: Walker River Basin Project Draft Environmental Impact Statement Comments

Dear Ms. Huntt DeCarlo:

Thank you for providing this opportunity to comment on the Bureau of Reclamation's (Reclamation's) Draft Environmental Impact Statement (DEIS) for the Walker River Basin Project. The National Wildlife Federation (NWF) is a 501(c)(3) conservation education organization. Founded in 1936, NWF has more than four million members and supporters, including 47 state-level affiliate organizations throughout the United States and its territories, dedicated to inspiring Americans to protect wildlife for our children's future. To address the urgent ecological threat to Walker Lake, NWF supports Alternative 1 outlined in the DEIS. O03-1

Since the late 1800s, the state of Nevada has authorized the appropriation of water from the Walker River system above Walker Lake for use in irrigated agriculture. Currently, approximately 143 percent of the water in the Walker River system is appropriated to out-of-stream uses. Since the 1960s, groundwater pumping in the Walker River Basin has dramatically increased, thereby increasing the draw on an already over-allocated system. Since 1960, groundwater pumping in the Smith and Mason Valleys has diminished flows in the Walker River by at least 10 percent. As noted in the DEIS, due to the increased development of groundwater, the State Engineer has classified three valleys within the Walker River Basin as "designated" under state law. O03-2

As a result of over-appropriation, in the past century, the surface elevation of Walker Lake has decreased 150 feet, and its total volume is down to 2.06 million acre-feet from more than 9 million acre-feet in 1882. Between 1986 and 1993, groundwater elevations dropped as much as 80 feet in Smith Valley and 40 feet in Mason Valley. River flows further decreased as a result of the groundwater pumping, as 161,000 acre feet of water were removed from the Walker River to replenish groundwater drawdown areas in Smith and Mason Valleys. Between the years of 1987 and 1994, virtually no water flowed from the Walker River into Walker Lake, a condition that has repeated itself with some frequency during the past decade. The results have been environmentally disastrous: O03-3

- current TDS levels exceed 17,000 mg/l
- native fish populations are no longer able to reproduce
- wildlife that once depended on the lake are disappearing. O03-3 con't

Of the alternatives included in the DEIS, Alternative 1 would best protect and restore Walker Lake by providing a permanent additional 50,000 afa to the lake. Although more than 50,000 afa is needed to restore the lake to a truly healthy ecological condition, Alternative 1 provides sufficient water to begin restoring native fish habitat and opportunities for recreation at Walker Lake. Any administration of an acquisition program should be performed by an entity directed toward the restoration of Walker Lake above any other goal. Fallowed agricultural land acquired through the acquisition program should be restored with native plants and grasses in consideration of native wildlife and potential dust emissions. O03-4 O03-5 O03-6

We strongly urge Reclamation not to adopt the DEIS's No Action Alternative. The No Action Alternative would result in further degradation of Walker Lake, including lower water levels, increased TDS levels, fish die off, and decreased migratory bird use of the lake. The No Action alternative would eventually prohibit native wildlife habitat and ensure environmental disaster in and around Walker Lake. O03-7

We believe a leasing program such as that outlined in Alternative II should be implemented as a secondary and transitional component of an approach that is focused primarily on water rights acquisitions, as described in Alternative I. We only support a leasing program managed by a neutral party or some entity whose mission is to promote the maximum transfer of water to Walker Lake in order to restore the Lake's ecological health and economic value as a recreational resource. O03-8

NWF is strongly in favor of increased conservation and efficiency measures such as those being considered under Alternative III. In our opinion, such measures can only form one component of an approach that focuses primarily on water rights acquisitions to ensure the long-term ecological health of Walker Lake and the Walker River system. Further, we are concerned that Reclamation has not included any form of crop conversion as part of Alternative III because of stated feasibility problems. The University System of Higher Education, under its Walker Basin Project has current data on a number of viable crop conversion possibilities for the Walker River Basin, which would substitute less water intensive and more drought resistant crops for the alfalfa that currently dominates irrigated agriculture in the basin. Replacing alfalfa with some of these crops, combined with an accounting program, would be an effective way to ensure greater water delivery to Walker Lake. O03-9

We believe that it is necessary to include in the EIS a method for assessing the success of any water delivery program. This method would include gauging and monitoring as well as modeling that would assist in assessing what percentage of water purchased, leased, or conserved, actually makes it to Walker Lake. The gauging and monitoring should be performed by an entity with a mission to restore Walker Lake. O03-10

Enforcement and monitoring of water diversions was not considered in the DEIS. We believe that a comprehensive and reliable enforcement and monitoring system on the Walker River System is essential to ensuring that water purchased, leased or conserved reaches Walker Lake. O03-11

Comment Letter O-03 Continued (Garrit Voggesser, National Wildlife Federation, October 5, 2009)

We also believe that significant additional water may be improperly diverted from the Walker River System beyond that which is permitted, and that diversions and streamflows in the system should be monitored and managed in a manner that ensures that this additional amount of water is no longer improperly diverted but rather is allowed to flow into Walker Lake. O03-11 con't

Finally, we urge Reclamation to incorporate the conservation community in the entity that oversees the Walker River Basin Program and all efforts to restore Walker Lake by giving our local affiliate, the Walker Lake Working Group, a seat on that entity. O03-12

Thank you again for providing the opportunity for the National Wildlife Federation to comment.

Sincerely,

Garrit Voggesser
Tribal Lands Program Manager

Responses to Comments of Letter O-03 (Garrit Voggesser, National Wildlife Federation, October 5, 2009)

O03-1
Refer to the Response to Comment L05-1.

O03-2
Refer to the Response to Comment L05-3.

O03-3
Refer to the Response to Comment L05-4.

O03-4
Refer to the Response to Comment L05-5.

O03-5
Refer to the Response to Comment L05-6.

O03-6
Refer to the Response to Comment L05-7**.**

O03-7
Refer to the Response to Comment L05-8.

O03-8
Refer to the Response to Comment L05-9.

O03-9
Refer to the Response to Comment L05-10.

O03-10
Refer to the Response to Comment L05-11.

O03-11
Refer to the Response to Comment L05-12.

O03-12
Refer to the response to comment L05-14

Comment Letter O-04 (Simeon Herskovitz, Advocates for Community and Environment, October 5, 2009)

ADVOCATES FOR COMMUNITY AND ENVIRONMENT
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October 5, 2009 Letter O-04

Caryn Huntt DeCarlo, Walker EIS Project Lead
Bureau of Reclamation
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Carson City, NV 89701
chunttdecarlo@usbr.gov

Re: Walker River Basin Project Draft Environmental Impact Statement Comments

Dear Ms. Huntt DeCarlo:

Thank you for providing this opportunity to comment on the Bureau of Reclamation's ("Reclamation's") Draft Environmental Impact Statement for the Walker River Basin Project ("DEIS"). We are submitting these substantive comments on behalf of the Walker Lake Working Group ("WLWG"). The Walker Lake Working Group commends Reclamation for taking the lead in addressing the serious condition at Walker Lake. WLWG therefore strongly supports Alternative 1 outlined in the DEIS. O04-1

The Walker Lake Working Group is a non-profit citizens' organization dedicated to the preservation of Walker Lake. Members of the Walker Lake Working Group use Walker Lake for fishing, recreation, and enjoyment of its scenic beauty. The Walker Lake Working Group has a direct stake in the future of Walker Lake and the health of the Walker River system. O04-2

Since the late 1800s, the State of Nevada has authorized the appropriation of water from the Walker River system above Walker Lake for use in irrigated agriculture. Currently, approximately 143% of the water in the Walker River system is appropriated to out-of-stream uses. Since the 1960s, groundwater pumping in the Walker River Basin has dramatically increased, thereby increasing the draw on an already over-allocated system. Since 1960, groundwater pumping in the Smith and Mason Valleys has diminished flows in the Walker River by at least 10%. As noted in the DEIS, due to the increased development of groundwater, the State Engineer has classified three valleys within the Walker River Basin as "designated" under state law. O04-3

As a result of over-appropriation, in the past century, the surface elevation of Walker Lake has decreased over 100 feet, its depth has decreased from 224 feet to 90 feet, and its total volume is down to 2.06 million acre-feet from over 9 million acre-feet in 1882. Between 1986 and 1993, groundwater elevations dropped as much as 80 feet in Smith Valley and 40 feet in Mason Valley. River flows further decreased as a result of the groundwater pumping, as 161,000 acre feet of water were removed from the Walker River to replenish groundwater drawdown areas in Smith O04-4

and Mason Valleys. Between the years of 1987 and 1994, virtually no water flowed from the Walker River into Walker Lake, a condition that has repeated itself with some frequency during the past decade. The results have been environmentally disastrous: current TDS levels exceed 16,000 mg/l, native fish populations are no longer able to reproduce, and wildlife that once depended on the lake are disappearing. The Lake is dying. O04-4 con't

Of the alternatives included in the DEIS, Alternative 1 would best protect and restore Walker Lake by providing a permanent additional 50,000 afa to the Lake. Although more than 50,000 afa is needed to restore the Lake to a truly healthy ecological condition, Alternative 1 provides sufficient water to begin restoring native fish habitat and opportunities for recreation at Walker Lake that would significantly benefit Mineral County's economy. O04-5

Any administration of an acquisition program should be performed by an entity directed toward the restoration of Walker Lake above any other goal. O04-6

Any potential for increased dust emissions resulting from the acquisition program could be mitigated by the planting of native plants and grasses on fallowed land, including Indian ricegrass, Basin wildrye, Beardless wheatgrass, Western wheatgrass, and Inland saltgrass. *See* Wally Miller & Erin Carroll-Moore, Project C: Plant, Soil, and Water Interactions, Effects of Alternative Agriculture in Western Nevada on Plant, Soil, and Water Interactions *in* Restoration of a Desert Lake in an Agriculturally Dominated Watershed: The Walker Lake Basin (Michael W. Collopy and James M. Thomas, Project Directors) 15 (2009). O04-7

We strongly urge Reclamation not to adopt the DEIS's No Action Alternative. The No Action Alternative would result in further degradation of Walker Lake, including lower water levels, increased TDS levels, fish die off, and decreased migratory bird use of the Lake. By extension the No Action Alternative would cause severe additional harm to public health in the region containing the windshed of Walker Lake due to increased dust emissions from further reliction of the Lake and exposure of its bed to winds. In short, the No Action alternative simply is not a reasonable alternative because it would ensure environmental and socio-economic disaster in and around Walker Lake. O04-8

WLWG believes a leasing program such as that outlined in Alternative II should be implemented as a secondary and transitional component of an approach that is focused primarily on water rights acquisitions, as described in Alternative I. WLWG would only support a leasing program managed by a neutral party or some entity whose mission is to promote the maximum transfer of water to Walker Lake in order to restore the Lake's ecological health and economic value as a recreational resource. WLWG is strongly opposed to a leasing program managed by WRID, because WRID has a long track record of opposing and subverting all efforts to protect and restore Walker Lake. O04-9

In general, the Working Group is strongly in favor of increased conservation and efficiency measures such as those being considered under Alternative III. In the Working Group's opinion, however, such measures can only form one component of an approach that focuses primarily on water rights acquisitions to ensure the long-term ecological health of Walker Lake and the Walker River system. Further, the Working Group is concerned that Reclamation has not included any form of crop conversion as part of Alternative III because of stated feasibility problems. The Working Group believes that there are in fact a number of viable crop conversion possibilities for the Walker River basin, which would substitute less water intensive and more O04-10

Comment Letter O-04 Continued (Simeon Herskovitz, Advocates for Community and Environment, October 5, 2009)

drought resistant crops for the alfalfa that currently dominates irrigated agriculture in the basin. Alfalfa, which makes up the majority of crop acreage in Smith and Mason Valley, is a highly water intensive crop. There is a wide variety of alternative crops that could be economically viable and that would not require as much water as alfalfa. Replacing alfalfa with one of these crops, for example, onions or garlic, two crops that have already been introduced to the basin, combined with an accounting program, would be an effective way to ensure greater water delivery to Walker Lake. The Walker Basin Project is currently studying the suitability of Tall fescue, Basin wild rye, Buckwheat, Amaranth, Tef, Pearl millet, Indiangrass, sand bluestem, old world bluestem, and Mammoth wild rye. Erin Espeland et al., University of Nevada, Reno, Project B: Alternative Agriculture and Vegetation Management in the Walker River Basin, in Restoration of a Desert Lake in an Agriculturally Dominated Watershed: The Walker Lake Basin (Michael W. Collopy and James M. Thomas, Project Directors) 22-26 (2009); John A. Arnone III et al, Project B: Alternative Agriculture and Vegetation Management Water Use Efficiency and Productivity of Alternative Crops for Agriculture in Nevada U.S.A. Under Conditions of Low Water Availability, in Restoration of a Desert Lake in an Agriculturally Dominated Watershed: The Walker Lake Basin (Michael W. Collopy and James M. Thomas, Project Directors) 5 (2009). The suitability of wine grapes has also been studied with success in the area. NV Agricultural Experiment Station, University of Nevada, Reno, Nevada Dividends Impact Report, Alternative Crops: Developing Wine Grape Varieties Adapted to Nevada's Climate. We are unaware of any feasibility problems associated with such conversion. O04-10 con't

The Walker Lake Working Group believes that it is necessary to include in the EIS a method for assessing the success of any water delivery program. This method would include gauging and monitoring as well as modeling that would assist in assessing what percentage of water purchased, leased, or conserved, actually makes it to the Lake. This monitoring and modeling should not be controlled by WRID as WRID has interests that differ from the interests of the Lake. The gauging and monitoring should be performed by a separate entity the mission of which should be the restoration of Walker Lake above any other goal. O04-11

Enforcement and monitoring of water diversions was not considered in the DEIS. We believe that a comprehensive and reliable enforcement and monitoring system on the Walker River System is essential to ensuring that water purchased, leased, or conserved reaches Walker Lake. We also believe that significant additional water is improperly diverted from the Walker River System beyond that which is permitted, and that diversions and streamflows in the System should be monitored and managed in a manner that ensures that this additional amount of water is no longer improperly diverted but rather is allowed to flow into Walker Lake. O04-12

Finally, we urge Reclamation to incorporate the conservation community in the entity that oversees the Walker River Basin Program and all efforts to restore Walker Lake by giving the Walker Lake Working Group a seat on that entity. O04-13

Page 3 of 4

If you have any questions or comments, or wish to discuss the issues raised in these comments in greater detail, please do not hesitate to contact me. Thank you again for providing the opportunity for the Walker Lake Working Group to comment.

Sincerely,

Simeon Herskovits

On *behalf* of:

Walker Lake Working Group
P.O. Box 867
Hawthorne, NV 89415

Page 4 of 4

Responses to Comments of Letter O-04 (Simeon Herskovitz, Advocates for Community and Environment, October 5, 2009)

O04-1
Refer to the Response to Comment L05-1.

O04-2
Refer to the Response to Comment L05-2.

O04-3
Refer to the Response to Comment L05-3.

O04-4
Refer to the Response to Comment L05-4.

O04-5
Refer to the Response to Comment L05-5.

O04-6
Refer to the Response to Comment L05-6.

O04-7
Refer to the Response to Comment L05-7.

O04-8
Refer to the Response to Comment L05-8.

O04-9
Refer to the Response to Comment L05-9.

O04-10
Refer to the Response to Comment L05-10.

O04-11
Refer to the Response to Comment L05-11.

O04-12
Refer to the Response to Comment L05-12.

O04-13
Refer to the Response to Comment L05-14.

Comment Letter O-05 (Morgan Lindsay, Mono Lake Committee, October 5, 2009)

MONO LAKE
COMMITTEE
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October 5, 2009

Letter O-05

Caryn Huntt DeCarlo, Walker EIS Project Lead
Bureau of Reclamation
705 N. Plaza Street, Room 320
Carson City, NV 89701

Dear Ms. DeCarlo:

The Mono Lake Committee (MLC) is writing to provide comments on the Draft Environmental Impact Statement (EIS) for the Walker River Basin Acquisition Program.

MLC is a non-profit citizen's group dedicated to protecting and restoring the Mono Basin ecosystem, educating the public about Mono Lake and the impacts on the environment of excessive water use, and promoting cooperative solutions that protect Mono Lake and meet real water needs without transferring environmental problems to other areas. Supported by 16,000 members, MLC has been active since 1978 in the Mono Basin, located in California's Eastern Sierra.

As a highly saline and alkaline terminal lake that shares a watershed boundary with the Walker River Basin, Mono Lake has much in common with Walker Lake. Each of these unique and fragile aquatic ecosystems support wildlife in incredible abundance and provide important recreation opportunities for hundreds of thousands of visitors. Both lakes have also experienced a threatening decline in lake level and water quality as a result of water diversions from tributary streams. In the case of Mono Lake, the diverted water traveled over three hundred miles south to Los Angeles. However, the two lakes are also very different, for today Mono Lake is rising under the protection of the public trust, while Walker Lake is rapidly sinking toward an ecological collapse. O05-1

All that said, Walker Lake does not lie within the Mono Basin, so why is the Mono Lake Committee offering public comment on the Walker River Basin Acquisition Program? Despite the real differences between them, MLC understands that Walker Lake is a unique and valuable resource for fish, wildlife, and the economy of Mineral County, just as Mono Lake is an important asset to the Eastern Sierra. If the many migrating birds that depend on these neighboring lakes may easily cross state lines in search of food and shelter, perhaps an environmental organization may also be so bold. It is possible that some of the experience the Mono Lake Committee has gained in thirty years of advocating for water solutions that meet the real needs of both Mono Lake and Los Angeles could be useful in moving towards a healthier future for Walker Lake O05-1 con't

Overall, MLC supports action that will measurably increase freshwater inflow to Walker Lake and stabilize Walker Lake's threatened ecosystem and fishery. The Committee specifically supports Alternatives 1, 2 and 3 of the DEIS for the Acquisition Program as positive steps toward avoiding the adverse impacts of the No Action Alternative. O05-2

The Mono Lake Committee strongly recommends that the Bureau of Reclamation does not adopt the No Action Alternative. The undesirable and adverse impacts of unabated upstream water diversions will include drastic increases of Total Dissolved Solids (TDS) eventually resulting in the mortality of threatened native Lahontan Cutthroat Trout (LCT) and Tui Chub fish populations. These comments will specifically address the impact of the proposed alternatives on water resources, biological resources including vegetation, fish, and wildlife, air quality, and recreation in addition to relevant procedural matters. O05-3

EIS Content and Procedure

For the sake of Walker Lake, it is important to build the most stable foundation moving forward with the Walker River Basin Acquisition Program. It is necessary to avoid potential procedural obstacles that may cause delays so that Walker Lake may benefit from increased inflow as soon as possible. The Mono Lake Committee notes two possible issues with the current Draft EIS content and procedure that should be addressed in the Final EIS.

First, the Department of the Interior (DOI) recently adopted changes to the National Environmental Policy Act (NEPA) regulations concerning when a full NEPA analysis is required. Based on the changes, the Bureau of Reclamation has decided to complete the Final EIS, but not to issue a final Record of Decision (ROD) as stated in the DEIS. In light of the changeability of the NEPA regulations, it would be prudent to comply with the full intent of the law and file a final ROD in addition to completing the Final EIS. This routine action will give the Walker River Basin Acquisition Program additional credence in the future should the revised DOI regulation later be reversed and the ROD become required. O05-4

Second, the section of the DEIS entitled, "Reservoir Operations" in Chapter 2 states that "[u]nder all action alternatives, Bridgeport Reservoir and Topaz Lake Reservoir operations would not change significantly..." (DEIS, at p. 2-4). However, the MLC expects there will be some impacts to reservoir operations and we believe that those impacts should be studied. The Final EIS should identify a public process by which this study of reservoir operations could happen, ideally through an adaptive management O05-5

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Comment Letter O-05 Continued (Morgan Lindsay, Mono Lake Committee, October 5, 2009)

approach, for the benefit of the Acquisition Program and other interested parties including Mono County and other public stakeholders in California. O05-5 con't

Proposed Water Resources Changes

MLC supports the goal of the Acquisition Program to provide 50,000 more acre feet per year (af/yr) to Walker Lake through the Proposed Project (Alternative 1), as well as the Leasing Alternative and Efficiency Alternative (Alternatives 2 and 3). As described in the DEIS, all three alternatives are more beneficial to Walker Lake and both Lyon and Mineral Counties than the No Action Alternative. O05-6

Implementing the Proposed Project for the total estimated increase of 7,300 af/yr inflow would improve water quality in both the Walker River and Walker Lake, as a result of increased flow and decreased return flow which carries harmful nutrients and pesticides. In addition, all three proposed alternatives will further benefit Walker River by reducing river water temperatures and decreasing down-cutting in lower Walker River as a result of higher lake surface elevation. The two main adverse impacts to the alternatives include increased erosion from a proportional increase in river flow, and a reduction of currently augmented groundwater table elevation and recharge as a result of reduced infiltration from irrigation. Aside from these two concerns, which are far outweighed by the beneficial impacts of increased flows to Walker River, most other potentially adverse impacts including localized flooding and erosion, reduced canal flows, and changes in groundwater movement patterns are described as minor and unlikely to cause significant harm. O05-7

In contrast, the No Action Alternative described as "business as usual" will result in decreased Walker Lake water storage, elevation, surface area, as well as cause a sharp decline in water quality and potentially lead to localized species extinction, especially of the Lahontan cutthroat trout. Although none of the three proposed alternatives alone is sufficient to restore the total 50,000 af/yr of water needed to stabilize lake levels in Walker Lake, all three alternatives together have the potential to use a combination of fee purchases, water leases, and appropriate efficiency measures to save Walker Lake. O05-8

Biological Resources: Vegetation and Wetlands

Similar to the comments on water resources, all three proposed alternatives will cause the quality of wetlands in the Walker Lake basin to improve. Although implementation of the alternatives will likely cause some wetland vegetation around irrigation canals to decline, the relative improvement of historic riparian habitat, especially on the lower Walker River below Schurz, will exceed minor vegetation changes elsewhere. O05-9

In the fifteen years since the restoration efforts on Mono Lake's tributary streams first began with mandated minimum flows, long-dead riparian vegetation has returned with the water with remarkable vigor to provide habitat and sustenance for brown and rainbow trout and native nesting birds. As with the example of Mono Lake, natural systems like Walker Lake can be remarkably resilient once given the chance to heal.

Biological Resources: Fish

As described by the Draft EIS, the most beneficial direct impact of increased flow to Walker Lake will be the improvement in habitat conditions for the Lahontan Cutthroat Trout (LCT) (*Oncorhynchus clarki henshawi*) and the Tui Chub (*Gila bicolor*) fish species. Although the LCT is listed as on the federal Endangered Species Act as a threatened species, the Walker Lake LCT population is not protected because there has not been a successful spawning run up the Walker River above the Weber Dam since 1930 and therefore the population is maintained by artificial propagation. The proposed goal of an additional 50,000 af/yr is a positive step towards the eventual goal of reestablishing historic spawning runs of Lahontan Cutthroat Trout. All three alternatives will increase the growth and overall survival of both the LCT and Tui Chub and should be pursued promptly given the imminent threat to their continued existence. O05-10

Biological Resources: Wildlife

The Walker River Basin contains critical habitat for birds and other wildlife, and is listed as a US Important Bird Area. Species of note include American white pelicans, and the largest congregation of migrating common loons west of the Mississippi River, which are both listed as sensitive species by the U.S. Fish and Wildlife Service. Like the fish, the beneficial impacts to the bird life are more numerous than the adverse impacts especially in regards to the Proposed Project. Again, the known cost of inaction leading to the collapse of the Walker Lake fishery will have larger repercussions than the possible adverse impacts of acting to allow more water to flow into the Lake.

In the early 1980s, Mono Lake also faced the impending collapse of the native endemic brine shrimp and alkali fly populations due to excessive water diversions. However, Mono Lake never reached the critical threshold beyond which millions of migratory birds would starve when they arrived at their traditional resting place, only to find the water too salty and alkaline to support life. This important boundary was not crossed only because of the extraordinary efforts of many people who worked to help ensure that Mono Lake benefitted from the additional freshwater flow before it was too late. Implementing all of the proposed alternatives as soon as possible will help prevent the collapse of the Walker Lake fishery and thereby help sustain the bird populations. O05-11

Recreation and Socioeconomics

Walker Lake is a popular fishing and outdoor recreation site and a major contributor to the tourism economy of Mineral County. A healthy, thriving lake will mean larger, longer-lived LCT and Tui Chub which will in turn encourage more dynamic fishing opportunities. A higher lake level will also create less fugitive dust from the exposed lake bed creating a more pleasant recreational experience and therefore more tourism related employment. O05-12

Comment Letter O-05 Continued (Morgan Lindsay, Mono Lake Committee, October 5, 2009)

Since Mono Lake began receiving more freshwater in the mid 1980s, the Mono Basin and Lee Vining have both experienced dramatic growth in visitation from 107,000 visitors in 1982 to a relatively constant yearly visitation for the past ten years of more than 250,000 people per year. This increase in popularity has been accompanied by a similar growth in revenue earned by local businesses as a result of Mono Lake visitation, most recently measured (in 1999) at $4.1 million. With a regular inflow sufficient to stabilize Walker Lake's elevation and fishery, it is likely that recreation in Mineral County would increase. O05-12 con't

Conclusion

MLC supports the draft Environmental Impact Statement for the Walker River Basin Acquisition Program and all combinations of the three proposed alternatives. Especially when considering the imminent danger to the Walker Lake ecosystem under the No Action Alternative, we encourage prompt action. The Proposed Project (Alternative 1) seems especially promising as it ensures a guaranteed supply of water for the future in perpetuity. Alternatives 2 and 3, the Leasing and Efficiency Alternatives are also potentially beneficial, but must be implemented in the context of measurably increased flows to Walker Lake. However, as stated in the DEIS, the most beneficial outcome for Walker Lake will most likely result from a mix of alternatives, in which case the current 50,000 af/yr increased inflow objective would be satisfied by a combination of the described fee purchases and demonstrably effective water leases and appropriate efficiency measures. O05-13

Thank you for considering the Mono Lake Committee's comments regarding the draft environmental impact statement for the Walker River Basin Acquisition Program. If the thirty years of water policy experience of the Mono Lake Committee would be of some assistance, please do not hesitate to contact me at 760-647-6595 with any questions. We look forward to the day when Walker Lake is stable once more with thriving populations of fish and birds and protected as a fun and beautiful place for visitors and locals alike to enjoy.

Sincerely,

Morgan Lindsay
Project Specialist

Responses to Comments of Letter O-05 (Morgan Lindsay, Mono Lake Committee, October 5, 2009)

O05-1

Comment acknowledged.

O05-2

See Standard Response 6, Alternatives.

O05-3

Comment acknowledged.

O05-4

See Standard Response 3, No FEIS/No ROD. Reclamation is required to comply with DOI regulations. In addition to the DOI regulations, Reclamation has also further assessed the requirement to comply with NEPA regulations. Those regulations state that NEPA compliance is required for a federal discretionary action; Reclamation has determined that it does not have a discretionary action related to the Acquisition Program.

O05-5

See Standard Response 12, Topaz Lake Reservoir and Bridgeport Reservoir; and Standard Response 4, CEQA requirements.

O05-6

See Standard Response 6, Alternatives.

O05-7

Comment acknowledged.

O05-8

Comment acknowledged regarding the No Action Alternative. See Standard Response 6, Alternatives.

O05-9

Comment acknowledged.

O05-10

Comment acknowledged. See Standard Response 6, Alternatives.

O05-11

Comment acknowledged.

O05-12

Comment acknowledged.

O05-13

Comment acknowledged. See Standard Response 6, Alternatives.

Comment Letter O-06 (Susan Lynn, Public Resource Associates, October 6 ,2009)

PUBLIC RESOURCE ASSOCIATES
1755 E. Plumb Ln. #170
Reno, NV 89502
775-786-9955
October 6, 2009

Letter O-06

Bureau of Reclamation
USDOI
630 K Street
Sacramento, CA 95814

RE: Comments on the Walker River Basin Acquisition Program DEIS

Dear Ms. Rogers:

Public Resource Associates has been actively involved in trying to help resolve the water acquisition issue for Walker Lake since 1993. We are enclosing a copy of our 1994 report suggesting solutions.

We are delighted that a DEIS for water acquisition has been completed. We are late in responding as we had grant deadlines and comment deadlines with earlier dates to tend to. We hope you'll accept our comments that **strongly support Alternative 1**. We consider it to be the only real alternative that will ultimately get sufficient water to Walker Lake while compensating sellers/lessees for the acquired water. O06-1

The DEIS has provided much information that hasn't been previously available and consolidated known information in one document. O06-2

That said, we do have a few questions or comments on omissions in the DEIS: O06-3

1. There is no mention of enforcing current water duties for existing water rights holders. It seems that could be a place to begin confirming available water. For instance, some supplemental water users abuse their duty amounts.
2. Monitoring ditch flows and well consumption are critical. Please add that to possible water conservation practices. O06-4
3. What are the annual O&M costs for WRID? One needs to know that in order to assess costs and benefits under socio-economic plans? O06-5
4. Where is the impact of spending $56 million in the basin discussed? Will the spending be annually or one-time expenditures? Is there a multiplier effect in the community for expending that much money? O06-6
5. Will there be management of fallowed fields to contain blowing dust and spread of noxious weeds? O06-7
6. Little mention is made regarding the integrated management of ground and surface water within the basin. Much of the overallocation of water in the basin is based on failing to acknowledge the connection between ground and surface water. O06-8 con't
7. Please include as much information in the final EIS on the mentioned local nonprofit that will be managing acquisitions. Further definition would be helpful. O06-9
8. We are concerned that little has been acknowledged or mentioned about the increasing suburbanization of Smith and Mason Valleys. Planning for water for smaller lots may be critical for future development in those valleys. Supplies for urbanization need to be balanced against agriculture and the lake. O06-10

We hope this will lead to acquiring water for Walker Lake from willing sellers and lessees and will provide for an active and healthy river system and local communities. Thanks for this belated opportunity to comment. O06-11

Sincerely,

Susan Lynn
Executive Director

Attachment: Water Resources in the Walker River Basin: A Search for Water to Save Walker Lake

Responses to Comments of Letter O-06 (Susan Lynn, Public Resource Associates, October 6 ,2009)

O06-1

See Standard Response 6, Alternatives.

O06-2

Comment acknowledged.

O06-3

WRID and the federal water master are responsible for ensuring that surface water rights holders do not use more water than that to which they are entitled. The NSE is responsible for monitoring permitted groundwater use. Although ensuring real-time coordination between these entities, and/or preventing water use in excess of established rights, is not expressly part of any of the acquisition alternatives, it is anticipated that proper accounting for acquired and transferred water and water rights will lead to improved monitoring of water use throughout the system over time.

O06-4

Well water consumption is monitored by NDWR and surface water diversions are measured by WRID. Monitoring flow losses along the length of canals would be helpful in determining the best opportunities for reducing conveyance losses, and it is likely that the change approval process for acquired water and water rights could lead to improved measurement and monitoring of water conveyance and use at these and other levels.

O06-5

Please see Response to Comment O01-12.

O06-6

Please see Response to Comment O01-11. The acquisitions are expected to occur over time and would not represent a one-time expenditure.

O06-7

See Standard Response 5, No Mitigation in EIS.

O06-8

In Chapter 3, the link between surface water and groundwater is discussed in both the affected environment and environmental consequences sections. In addition, well data showing a trend of decreasing groundwater levels are presented. Also see Responses to Comments PHR-28 and PHH-18. The goal of the Acquisition Program is not to solve the over-allocation problem, but to shift some of the allocation to Walker Lake.

O06-9

As directed in PL 111-85, NFWF is authorized as a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program. NFWF is developing this and other parts of the Acquisition Program and beginning to meet with stakeholders in the Walker River Basin.

O06-10

See Response to Comment O01-18. The oversight of Decree C-125 lies with the federal water master, the NSE, WRID and other jurisdictional entities.

O06-11

Comment acknowledged.

Responses to Comments:

Individuals

Comment Letter I01 (Peter Cseguy)

Letter I-01

Peter Cseguy (sp?), a Bay Area resident, called me August 5, 2009 to comment on the Walker EIS. He said he saw the DEIS for the Acquisition Program for Walker and was really excited about the efforts to provide water to the lake. He said while upstream farmers should have some water, that zero water going to the lake was ridiculous and a travesty. He feels a healthy lake is important for the State Park. He said he has fished at Walker Lake and feels providing water to the lake for the fish and environment was for the greater good. I01-1

Page 1

Response to Comments of Letter I01 (Peter Cseguy)

I01-1

Comment acknowledged.

Comment Letter I02 (Emilie Strauss, September 14, 2009)

Letter I-02

From: Emilie Strauss [mailto:desertpeach@earthlink.net]
Sent: Monday, September 14, 2009 12:30 PM
To: Huntt DeCarlo, Caryn
Subject: Walker River Basin Acquisition Program GIS

Dear Ms. DeCarlo,

I am writing in support of acquiring water for Walker Lake under the Walker Basin Project. As you know,
the lake's fishery is severely impacted by diversion of water upstream. Thousands of migratory birds depend on a healthy Walker Lake. When I'm in the Eastern Sierra, I've very much like to bird watch at Walker Lake. In the past I have stayed at the El Capitan casino. I02-1

Please continue to give me an opportunity to exercise my tourist dollars in this beautiful area by putting some of the Walker River waters to best use, including public trust. I02-2

Sincerely,

Emilie Strauss
1606 Hearst Ave.
Berkeley, CA 94703
510-540-8749

Page 1

Response to Comments of Letter I02 (Emilie Strauss, September 14, 2009)

I02-1

Comment acknowledged.

I02-2

Comment acknowledged.

Comment Letter I03 (James R. Sanford)

Letter I-03

Caryn Huntt DeCarlo
Bureau of Reclamation, EIS Project Lead
Lahontan Basin Area Office
705 N. Plaza, Room 320
Carson City, Nevada 89701

WALKER RIVER BASIN ACQUISITION PROGRAM
DRAFT ENVIRONMENTAL IMPACT STATEMENT

INTRODUCTION: To begin my comments, I want to recognize the Bureau of Reclamation for its efforts in conducting an EIS on the Walker River Basin Acquisition Program even though, apparently, there was no requirement to do so on this project. This effort provided for public comment that otherwise might not have been included, and that is always a positive in my mind. However, it also appears that the EIS work is actually for naught since Reclamation can make no recommendations for action in this program. Personally, I believe that was the intent of the cleverly-crafted federal legislation as it was designed to strip BOR and others from "active" participation. I03-1 I03-2

FACTS: There are a few indisputable facts here: (a) Agriculture is without a doubt the fuel that drives the economic engine in both Mason and Smith Valleys which stand to the most drastically affected by the WR Basin Acquisition Project. (b) Lyon County – primarily in the southern end – is ranked as either the No. 1 or No. 2 agricultural producing county in the State of Nevada. (c) Federal legislation, until very recently, targeted these two agricultural valleys for water right acquisitions in an effort to provide additional water to Walker Lake and thereby reduce Total Dissolved Solids to a point to save endangered fish. (The omission of the word "Nevada" in the most recent legislation working its way through Congress right now, has opened California's Bridgeport and Antelope Valley locations for potential acquisitions, although it is not believed that is the "intent" of this current legislation.) (d) Walker Lake is a desert terminal lake which has actually run dry at least twice (some say 4 or more times) over history. After all, there is no outlet from the lake. (e) Scientific research indicates that if an additional 84,000 acre feet per year is delivered to the lake, the goal of "saving the lake" can be accomplished. But there is no PROOF this will work. (f) Removal of 84,000 acre feet of water from Mason and Smith Valleys as part of this effort will drastically and adversely affect agricultural operations here and thus severely damage the local economy and rural lifestyle. (g) There is a big disagreement between the predicted effects anticipated by the Nevada Department of Agriculture and the University of Nevada/Desert Research Institute research figures. One of those disagreements centers on the manner of research done as UNR/DRI failed to deliver even on single questionnaire to any farmer/rancher or resident in either valley as it worked toward it conclusions, thus calling into question much of that effort. (h) The Bureau of Reclamation's EIS utilizes the research results from UNR/DRI predominantly in its draft. (i) Under federal legislation, Reclamation has no authority to act or make recommendations for action as that is reserved to the Nevada System of Higher Education. (j) Federal legislation sponsored by U.S. Senator Harry Reid, who proclaimed years ago that he intends to "save Walker Lake", provided financing for every action in the WR Basin Acquisition Program, including all UNR/DRI research, all water right acquisitions, and even the Reclamation's Draft EIS, creating a cloud of suspicion for many that decisions were "predetermined." (k) To this date, there has been no determination as to who will eventually handle all water right acquisitions. I03-3 I03-4 I03-5 I03-6 I03-7 I03-8 I03-9 I03-10 I03-11 I03-12 I03-12 con't I03-13

COMMENTS: Obviously, Mason and Smith Valleys stand to be the most severely affected by the WR Basin Acquisition Program. Both enjoy a rural lifestyle supported economically by agriculture. Families have owned and operated farms and ranches for decades; and even residents who have located in the two valleys who are not directly involved in agriculture, has done so because of the slower, quieter lifestyle – something that is endangered big-time by this program. I03-14

Even the partial loss of agricultural lands and water in Mason and Smith Valleys can prove devastating. Our water resource has enabled 325 farms and ranches to operate in Lyon County as of 2007 figures, producing an estimated total value (buildings, lands, equipment) of $380,656,900. Total product sales amounted to $91,108,000 -- $62,158,000 from irrigated crops and about $28,950,000 from livestock sales. I03-15

These financial figures certainly point out the extreme value of this water resource. How can you quantify the economic gain or los by review of the DEIS? It's impossible. I03-16

I believe that portions of the Draft EIS are ***faulty and contain erroneous information***, particularly in the socioeconomic discussions. Attempts by locals to provide information to make the figures more accurate have proven unsuccessful. But, I point to the admission at the UNR/DRI Final Report to the region that not one questionnaire was presented to anyone in the involved areas – not one farmer, rancher or resident – as a huge fault in the research information obtained. Wouldn't that seem like the most logical way to acquire factual information? Not if the desired results were predetermined! I03-17

Efforts pointed in the direction of improved water conservation are welcome, of course, and some farmers/ranchers have already made improvements. Alternative crops must also be seriously considered, but one has to keep in mind that a farm/ranch must operate as a business; and there must be a market for these crops before heavy investment into equipment, planting, rotations and deliveries occur. I03-18

WATER LEASING proposals such as the one proactively presented by the Walker River Irrigation District would seem to be a much better way to go – than outright purchases – because under leasing, the affected water is not "permanently" lost. WRID's proposal is reportedly part of the current proposed legislation as a $26-million demonstration program. That is a positive step, in my opinion. I03-19

UNANSWERED QUESTIONS: Questions no one seems to be able to adequately answer include: I03-20

** How will you acquire 84,000 acre feet of additional water without totally destroying upstream agriculture?
** Can you guarantee this additional water will actually reach Walker Lake? I03-21

Comment Letter I03 Continued (James R. Sanford)

** What agreements have been worked out with the downstream Walker River Paiute Tribe where Weber Reservoir and their use of the water are concerned? I03-22

** What effects will climate change have on this entire proposal? I03-23

** How can you guarantee 84,000 a/f of additional water each and every year? I03-24

** The Thomas Report, upon which much of the University research is predicated, calls for a huge one-time slug of water (about 700,000 a/f) before the annual 84,000 a/f allocation. What has happened to that scenario? I03-25

** Is there "proof" that this additional water will save the fish or is this scientific belief? I03-26

** Why is everyone so willing to destroy an agricultural economy that produces many, many times the economic value of that created by recreation at Walker Lake? I03-27

** Why is a political "legacy" more important that the lives of Nevada residents? I03-28

** Why does federal legislation pit one Nevadan against another? I03-29

** If you cannot rely on the total accuracy of University research, how can Reclamation feel comfortable with the accuracy of any Draft (or the Final) EIS? I03-30

** Does Reclamation and every other agency feel it has done everything reasonable and possible and appropriate to draw your conclusions? I03-31

** Will the research, the EIS and the program stand up to legal challenges and/or the "test of time"? I03-32

** What group will ultimately manage the purchased water rights? How will that group be created? What will its membership entail? I03-33

** Does Reclamation and everyone else involved feel that the people who will actually be affected by the program have been adequately involved in this process? I03-34

** Will comments such as mine really be examined and perhaps even incorporated in the EIS; or will my comments simply be added? I03-35

In closing, I have to remind you that the removal of water from our two valleys will adversely affect overall revenues, individual farm and ranch income, number of jobs, economic viability and even the lifestyle we have all come to love. Residents of Mason and Smith Valleys cannot help but look at this fiasco as the straw that breaks the camel's back. I03-36

The Walker River Basin Acquisition Program has the potential of creating total destruction of a way of life. I03-37

Respectfully,

James R. Sanford
Email: sunny091929@aol.com
Mail: 17 South Oregon St.
Yerington, NV 90447
Phone: 775-463-3618
Cell: 775-315-1152

Response to Comments of Letter I03 (James R. Sanford)

I03-1

Comment acknowledged.

I03-2

Reclamation acknowledges the commenter's opinion that the EIS work was for naught. However, Reclamation believes that the Revised DEIS has significant value in disclosing impacts as they are known at this time and affording the process that enabled public opinion to be heard, documented and responded to for public availability, and considered in the analysis. The Revised DEIS was completed to provide current information on the Walker Basin and on analysis of general impacts expected for the Acquisition Program. The Revised DEIS provides public disclosure and pertinent information for consideration by the entities designated in the legislation to implement the Acquisition Program.

I03-3

Comment acknowledged.

I03-4

Comment acknowledged.

I03-5

Comment acknowledged with the caveat: Reclamation believes the legislation does not target Mason Valley and Smith Valley; rather, it allows willing sellers to sell or lease their privately owned water rights if they desire to do so.

I03-6

As the commenter is aware by now the word "Nevada" was not omitted from the final version of Public Law 111-85. No land in California, water appurtenant to that land, or related interests would be acquired through the Acquisition Program analyzed in the Revised DEIS; however, WRID's rights to stored water in California, which are appurtenant to and used on lands in Nevada, may be included in the Acquisition Program if offered by willing sellers. The 3-year WRID demonstration water leasing program authorized separately by PL 111-85 will be funded through a grant agreement with NFWF. WRID's pilot project may or may not be different from the Leasing Alternative analyzed in the DEIS and is not formally part of the Acquisition Program being analyzed in this Revised DEIS. If WRID's demonstration program did include California it would require CEQA analysis (see Standard Response 4, CEQA Requirements).

I03-7

While Walker Lake may have dried up, that was thousands of years ago (Adams 2007), and, unlike the current situation, was not caused by human actions.

I03-8

Scientific data strongly show the correlation between a significant drop in lake elevation and the beginning of upstream diversions for agriculture. The Revised DEIS analysis relies on the best available scientific evidence, which shows that providing freshwater inflow to Walker Lake in a sufficient amount over time will improve the health and viability of the lake.

I03-9

The DEIS and Revised DEIS documents that the Acquisition Program would result in adverse impacts on the upstream agricultural operations and economy.

I03-10

The economic study referred to was conducted by University researchers, not DRI researchers. The DEIS recognizes the differences of opinion and documents the primary differences between the Nevada Department of Agriculture and both the University's research and the Revised DEIS analysis. There are many tools to solicit public opinion and conduct valid research; questionnaires are one of those tools, but are not often used and are not a requirement. The commenter does not specify what additional information might have been gleaned from questionnaires and how the information might have been used. Reclamation is aware that numerous community meetings were held by the University to share information on their economic research and to solicit public input. The methodologies used in the economic study were appropriate, as evidenced by the peer review process, a common standard in research, and comments specific to the process.

I03-11

The comment is correct. The peer-reviewed state of the art research done by the University and DRI provides the latest available scientific information that specifically studies current conditions and issues in the Walker River Basin. It would be irresponsible not to include this research by highly qualified scientists in the Revised DEIS analysis, and its absence would invalidate the analysis. The Revised DEIS analysis also relies on numerous other published research, local, state, and federal agency expertise, publicly available data, public comment, tribal consultations, and information provided by Cooperating Agencies with jurisdiction and expertise related to the Walker River Basin.

I03-12

The comment is correct. Reclamation's role as authorized in the pertinent Public Laws is to provide the funding for Acquisition Program-related activities. The Public Laws authorize the University or NFWF to design and implement the Acquisition Program; NFWF and the University entered into an agreement in December 2009 to transfer responsibility for administration of the Program to NFWF (see Appendix 1C of the Revised DEIS).

I03-13

Reclamation acknowledges this opinion. Reclamation's position is that the research was conducted by researchers who had no reason to justify any predetermined outcomes. Reclamation believes that the University and DRI employ researchers with expertise in their respective fields. Researchers, as in any other profession, seek to maintain their professional integrity in their field, in this case through unbiased research. The Revised DEIS analysis, in turn, was based on the best available science, data, and public, tribal, local entities, and agency comment. The Revised DEIS displays all impacts of the Acquisition Program, both adverse and beneficial. See Standard Response 7, No Bias in NEPA Impacts Analysis.

I03-14

Comment acknowledged.

I03-15

Comment acknowledged. The Revised DEIS documents expected adverse impacts.

I03-16

Comment acknowledged.

I03-17

Reclamation acknowledges this opinion. Please see Responses to Comments I03-10, I03-11, and I03-13.

I03-18

Comment acknowledged.

I03-19

As the commenter noted, a water leasing pilot project to be implemented by WRID has been funded under PL 111-85. Annual evaluation of the demonstration program is expected to assess whether and how a longer-term leasing program fits within a larger flow restoration effort. While the commenter expresses that purchased water is permanently "lost", others have commented that purchased water is the only permanent "gain" for the restoration of the lake. It is Reclamation's understanding that NFWF views some combination of the three alternatives, leasing, purchase, and efficiency conservation measures, as part of an overall restoration program.

I03-20

The Revised DEIS documented that the Acquisition Program would result in adverse impacts on the upstream agricultural operations and economy. However, the adverse impacts are not expected to "destroy upstream agriculture".

I03-21

Reclamation has no reason to believe the acquired water would not make it to the lake. Many required applications, agreements, and approvals are outlined in the Revised DEIS (see Chapter 2, Alternatives) and must occur during implementation of the Acquisition Program. These agreements will resolve the details of delivery of acquired water. These actions, such as review and approvals by the NSE on change applications, cannot occur until actual implementation.

I03-22

Effective implementation of the Acquisition Program would require development of an operating agreement for Weber Reservoir and related facilities to manage both acquired and other water (including water associated with WRPT's decreed water rights and any excess flows) from the expected point of delivery at the Wabuska gage to the lower Walker River and Walker Lake. The agreement would provide assurance that water rights associated with the Walker River Indian Reservation Irrigation Project are not impaired, that water is properly accounted for, and that the safety of the downstream community is protected.

It is anticipated that such an agreement would address a number of factors, including but not limited to the amount and timing of deliveries of acquired water to the Wabuska gage; reservoir operations criteria; physical losses between the Wabuska gage and Weber Reservoir; physical losses in Weber Reservoir as well as diversions into and releases from storage; physical losses and diversions between Weber Reservoir and Walker Lake; physical and safety constraints of hydraulic infrastructure and the downstream river channel; dam safety and flood control operating criteria; storage targets for irrigation season; and coordination, communication, and governance among affected parties for water measurement, delivery, storage, and release (Strekal pers. comm.).

I03-23

Climate change is analyzed and documented in Chapter 15 of the Revised DEIS.

I03-24

The amount of acquired water delivered to Walker Lake each year cannot be guaranteed. The amount depends on annual precipitation,

how many willing sellers offer water rights for purchase or lease, how approvals of change applications are handled by the NSE, whether additional funding becomes available for the Acquisition Program, and other factors that are unknown at this time. However, the studies show that acquired water could provide freshwater inflows to the lake and if these flows are sufficient over time, they are expected to improve the lake's health and viability and reverse the lake's decline.

I03-25

Please see Responses to Comments L03-2 and PHY-31

I03-26

Proof as referred to here only seems possible upon assessing the situation after implementation. The pertinent studies by various academia and agency scientists and agency biologists and the Revised DEIS analysis show sufficient freshwater inflow would improve the health and viability of the fish population in the lake.

I03-27

The Acquisition Program is directed by law. Reclamation recognizes there are differing opinions and values related to impacts on agriculture versus Walker Lake and River environmental and recreational benefits under the Acquisition Program. These contrasting values were expressed throughout the EIS process. It is not Reclamation's responsibility to decide which values are more important. It is our responsibility to comply with the law to provide funding for the Acquisition Program. In addition, even though it was determined it was not required, Reclamation decided to solicit public input and disclose expected adverse and beneficial impacts of the Acquisition Program.

I03-28

Comment acknowledged. This commenter's opinion is outside of the scope of analysis in the Revised DEIS and a response by Reclamation is not appropriate.

I03-29

Comment acknowledged. This commenter's opinion is outside of the scope of analysis in the Revised DEIS and a response by Reclamation is not appropriate.

I03-30

Reclamation believes the University's (and DRI's) research can be relied on. The Revised DEIS analysis also relies on numerous other published research, publicly available data, public comment, tribal consultations, local, state and federal agency expertise, and information provided by Cooperating Agencies with jurisdiction and expertise related to the Walker River Basin.

I03-31

Reclamation believes that extensive efforts were made to locate data, solicit information from the public and a variety of other sources, provide Cooperating Agency review and comment, solicit public input, and prepare an analysis that displays the expected impacts of the Acquisition Program, including both adverse and beneficial. Reclamation does not speak for other agencies.

I03-32

Comment acknowledged. The answer is not known at this time.

I03-33

PL 111-85 designates the funding for the Acquisition Program to go to the University or NFWF. NFWF is still formulating the implementation plan that will address these questions. Public Law 111-85 does, however, include funding for conservation and

stewardship measures, including "the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program". It is Reclamation's understanding that NFWF will be implementing each of these provisions in conjunction with creating a local advisory committee that will provide input to guide NFWF's investments under the Walker Basin Restoration Program as authorized. Please see Standard Response 5, No Mitigation in EIS.

I03-34

Reclamation does believe that people who will actually be affected by the Acquisition Program were adequately involved (but does not speak for others). Chapter 16 of the Revised DEIS discusses the opportunities for involvement through public meetings, hearings, tribal consultations, agency coordination, Cooperating Agency coordination, informational mailings to an extensive mailing list of interested parties, provision of review and solicitation of comments throughout the EIS process, and other measures. Members in both the upstream agricultural communities and the downstream communities who could be affected by the Acquisition Program were included in opportunities for involvement.

I03-35

Every comment was recorded, responded to, and evaluated to determine if incorporation of changes in the EIS was appropriate. All comments will be made available for public review.

I03-36

Comment acknowledged. The Revised DEIS describes the adverse impacts that could result from the Acquisition Program. As noted in Standard Response 7, No Bias in NEPA Impacts Analysis, an EIS is prepared when significant impacts are expected to occur. All alternatives, including not implementing the Acquisition Program and implementing the program, included potential significant adverse impacts NEPA does not prohibit implementation of an action with significant adverse impacts; it is merely required that the impacts be presented and considered prior to implementation.

I03-37

Comment acknowledged. The same comment has been made regarding the No Action Alternative to not implement the Acquisition Program.

Comment Letter I04 (National Wildlife Federation, September 29, 2009)

Letter I-04

From: National Wildlife Federation [mailto:NationalWildlifeFederation@nwf.org]
On Behalf of: Commenter's Name
Sent: Tuesday, September 29, 2009 12:09 PM
To: Huntt DeCarlo, Caryn
Subject: I Support Water Acquisitions for Walker Lake

Sep 29, 2009

Caryn Huntt DeCarlo
705 N. Plaza St., Rm 320
Carson City, NV 89701

Dear Huntt DeCarlo,

I commend the Bureau of Reclamation (BOR) for taking the lead in addressing the urgent ecological threat to Walker Lake. I04-1

Of the alternatives included in the draft environmental impact statement (DEIS), Alternative 1 would best protect and restore Walker Lake by providing a permanent additional 50,000 afa to the lake.

Although more water is needed to restore the lake to a healthy condition, Alternative 1 provides sufficient water to begin restoring native fish habitat and recreation opportunities at Walker Lake. I04-2

I strongly urge BOR not to adopt the DEIS's "No Action Alternative." This alternative would result in lower water levels and increased total dissolved solids concentrations, and eventually, I04-3

complete fresh-water ecosystem collapse that would prohibit native fish habitat and lead to a substantial decline in migratory bird use at the

lake. By extension, severe harm to public health in the windshed region of Walker Lake would be ominous due to increased dust emissions from further reliction of the lake and exposure of its bed to winds. I04-4

I support augmenting purchased water rights with leased water for Walker Lake through a leasing program managed by an entity directed toward the restoration of the lake. I04-5

I support the use of water conservation methods under the Walker Basin Project providing that saved water be used only for the restoration of I04-6

Walker Lake. The DEIS must include methods for enforcing and assessing the success of any water delivery program performed by an entity with the mission of restoring of Walker Lake. I04-7

Thank you for your attention to this important matter. I04-8

Page 1

The following 32 members of the National Wildlife Federation submitted Letter I04: Anita Cohen, Derek Gendvil, Eric Griffin, Jack Vosburgh, Lisa Kershaw, Donna London, Dawn McClain, Marjorie Barton, Claire Skinner, Gary Shogren, Terry Janowitz-Fine, Mary Daigle, Larry Wood, Dan Threlfall, William Schaffer, Larry Pringle, Cyndee Wessman, John Dalla, Judy Kennedy, Karolyn Nartker, Phil Hernandez, Elin Ljung, Robert Gaudet, Barbara Monstavicius, Patrick Pharris, Max Andrew, Robert Goodman, Gale Dupree, Marilyn Rodefer, Garry Curtis, Nancy Parsons, and Lorna Weaver.

Response to Comments of Letter I04 (National Wildlife Federation, September 29, 2009)

I04-1

Comment acknowledged.

I04-2

Comment acknowledged.

I04-3

Comment acknowledged. The effects of the No Action Alternative are described in the Environmental Consequences section of each resource chapter.

I04-4

Comment acknowledged. The dust-related effects of the No Action Alternative are described in the Environmental Impacts section of Chapter 8, Air Quality.

I04-5

Comment acknowledged. See Standard Response 6, Alternatives.

I04-6

Comment acknowledged. See Standard Response 6, Alternatives.

I04-7

Comment acknowledged. See Standard Response 8, Measurement and Enforcement.

I04-8

Comment acknowledged.

Comment Letter I05 (Gregory O. Garmong, October 5, 2009)

11 Dee Court
Smith, NV 89430
October 5, 2009

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OCT 05 2009
BUREAU OF RECLAMATION
Lahontan Basin Area Office

Letter I-05

Caryn DeCarlo
Walker EIS Project Lead
Bureau of Reclamation
705 N. Plaza Street, Ste. 320
Carson City, NV 89701
via fax 775-884-8376 (13 pages total)

Re: Comments on
Walker River Basin Acquisition Program
Draft Environmental Impact Statement (DEIS)

The following comments are organized according to the page of the DEIS.
My source of the DEIS is the version downloaded from the website.

ES and DEIS, Generally

This section and the DEIS generally are improperly biased in favor of the Action Alternatives, by misstating the history of Walker Lake and in the emphasis given to various "beneficial" and "adverse" effects. Adverse effects are widespread throughout Smith and Mason Valleys, while beneficial effects, if they could be shown to exist, are very limited to the Walker Lake area. It is also biased in assuming speculative benefits for the Action Alternatives which are not supported by any facts. It is further racially and culturally biased against the majority of residents of Smith and Mason Valleys by favoring indians, minorities, and poor people above white people who are not poor, the majority of the population. I05-1 I05-2 I05-3

ES-2 Background, second paragraph, beginning "From 1882 to present..".

There is no evidence to support the statements of this paragraph. Walker Lake is essentially a desert mudpuddle that is historically an offshoot subbasin of Lake Lahontan. Walker Lake has been dry for most of the past 30,000 years, most of the past 20,000 years, and most of the past 10,000 years of the late Holocene period. That is, its natural state in recent history is a dry lake. The history of Walker Lake is discussed at length in Grayson, The Desert's Past, particularly pages 223-226, and in the sources cited therein. I05-4

Literature citations are made for trivial points at other locations in the DEIS, for example the discussion of where the West Walker River enters Smith Valley, see page 1-7. I05-5

Yet no citation is given for perhaps the key issue of this entire environmental impact statement--will the destruction of the Smith and Mason Valley communities via the proposed Action Alternatives of water diversion lead to any improvements in Walker Lake, a naturally dry lake? As with so much of the pop-philosophy of "hope and change", benefits are assumed to exist without any unbiased evidence supporting the assumptions. This environmental impact statement must be supported by facts, not speculation. I05-5 con't

As noted in Grayson at pages 223-226, Walker Lake was dry until about 4,700 years ago. Grayson states at page 223, second column, first paragraph, "Most important here is that they [referring to studies by Benson et al. and Bradbury et al.] have established that Walker Lake has also gone through a series of major increases and decreases in depth during the past 5,000 years." Continuing the discussion, about 2,700 years ago, Walker Lake shallowed to about 3 feet deep. Then about 2,100 years ago, it deepened until about 1,250 years ago, declined sharply to a minimum at about 1,000 years ago, then began to rise. All of this history is prior to modern man's presence. It demonstrates a large degree of natural variability in Walker Lake.

The DEIS does not present the natural fluctuations in the depth of Walker Lake, instead blaming agriculture and "diversions from the river". The discussion at page 3-3, while drawn from Grayson, is highly biased and does not properly emphasize the fact that Walker Lake was only 3 feet deep as of about 2,700 years ago, and that natural fluctuations have occurred regularly and rapidly over the past 4,700 years. The biased statement of the natural history of Walker Lake in the DEIS is meant to suggest that it was a beautiful deep lake until the water was taken from it in after 1882 as a result of water diversion. In fact, Walker Lake historically is a mudpuddle, set in barren surroundings, that is normally dry but occasionally naturally gets a little water in it. I05-6

I raise this point because the DEIS promotes a conclusion that an artificial movement of water from the agricultural communities of Smith and Mason Valleys to Walker Lake would necessarily have a beneficial effect on Walker Lake over the long haul. There is absolutely no reason or factual basis cited to reach that conclusion, in view of the natural "series of major increases and decreases in depth" in Walker Lake occurring prior to modern man's presence. I05-7

Thus, the Final EIS must make it clear that any asserted improvement to Walker Lake resulting from the "Action Alternatives" is pure speculation, in view of natural changes that have occurred in the past, and may continue to occur in the future. If the water is diverted and Smith and Mason Valleys are turned into dustbowls as planned, there may well be no corresponding improvement in Walker Lake. There needs to be an additional heading in the section "Summary of Impacts" beginning at page ES-7 clearly stating that any asserted "benefits" to Walker Lake (such as stated in the last sentence of the subsection "Water Supply") are purely speculative, and that they may well be negated I05-8

Comment Letter I05 Continued (Gregory O. Garmong, October 5, 2009)

by natural events such as changes in the Walker River, global warming, and the like. The destruction of Smith and Mason Valleys for the glorification of a few politicians may very well be of no benefit to Walker Lake, and most probably will have an overall negative effect on northwest Nevada. I05-8 con't

If Reclamation disagrees, it must cite some evidence supporting its conclusions, specifically that diversion of water to Walker Lake would necessarily have any benefits to Walker Lake that would not be negated by natural changes in the flow of the Walker River. I05-9

Stated alternatively, the attempt to restore Walker Lake is likely to be as effective as an attempt to restore the Lake Lahontan of thousands of years ago. Walker Lake has been selected by natural history to be a mudpuddle, and there is no reason to believe that man can alter that result. I05-10

Page ES-7. Groundwater

This section must be amended to state that under the Action Alternatives, there will be a lowering of the water table in Smith Valley, as a result of reduced recharge, that would have a severe impact on homeowners who have pre-existing wells and who drilled those wells relying on the continuing water status of Smith Valley. I05-11

This section must also be amended to state that any acquisition of geothermal groundwater rights would likely have a highly adverse effect on the goals of the United States and the State of Nevada to increase the use of renewable energy resources. I05-12

Table ES-2

This table is largely incomprehensible. There is what appears to be extensive prose discussion of the "No Action" alternative, and very slight or no prose discussion of the "Action Alternatives". Why is there no prose discussion of the Action Alternatives to compare with the prose discussion of the No Action alternative? I believe that it is because the Action Alternatives are no clearly lacking in merit that no case for them can be made. I05-13

It is unclear what the various other items relate to. The impacts and changes (e.g., hydrologic changes) are not indicated to be for any of the alternatives other than the No Action alternative. But then some of the statements (e.g., FISH-1, alternative 1) appear to suggest that the No Action alternative will result increased water flow. As noted above, there is no scientific basis to reach this conclusion. I05-14

Table ES-2, like much of the DEIS, is incomprehensible and designed to confuse the reader. I05-15

Page ES-8, Biological Resources, Vegetation and Wetlands

First paragraph, lines 2-3. If riparian habitat along the Walker River is to be described as "valuable" (line 3), then riparian habitat in other areas must also be described as "valuable" (line 2). I05-16 con't

The second paragraph of this section suggests that the taking of water from Smith and Mason Valleys "could result in the spread of weeds and invasive plant species." The final EIS must be changed to state that the taking of water "would definitely result in the spread of weeds and invasive plant species". Farmers necessarily destroy and reduce weeds and invasive plant species. When farming is reduced as a result of the taking of water, the weeds and invasive plant species will spread, contrary to the policies of the State of Nevada. (See pages 4-9 and 4-10 for more information on this subject). I05-17

Page ES-8, Biological Resources-Fish

As noted above, these "benefits" must be described as speculative. I05-18

Page ES-9, first full paragraph on page continuing discussion of Biological Resources-Wildlife

In the last sentence of the first full paragraph, these "benefits" must be described as speculative. I05-19

Page ES-9, Land Use and Agriculture

The argument that weeds "could increase" on retired or fallowed farmland is incorrect. The weeds "will increase". I don't know whether the study authors compared weed populations on fallow farmland in Smith Valley with actively farmed farmland, but if they did, they would see that weeds will increase for certain if the land is caused to turn into a dustbowl. I05-20

Page ES-9, Air Quality

The argument that permanently retired farmland "could become a source of fugitive dust" must be changed to "would definitely become a major source of fugitive dust". Anyone who reaches the conclusion stated in the DEIS has never been to Smith Valley during a major wind storm, such as we recently experienced on September 29, 2009. My home lies east of farmed land, and I experienced relatively little dust. The next home ½ mile south from mine, which is east of unfarmed, fallow ground, was enveloped in thick clouds of dust raised from the unfarmed ground. The further argument that agriculture itself creates dust is largely spurious. Very little dust is produced by farmed ground, because the grass or alfalfa plants block the escape of dust from the property. Very little dust is raised by "off road vehicles" such as tractors when they plow. Whoever suggested that farming and farmed land raise dust comparable with that of fallow ground has never watched much actual farming. The suggestion that farmed land raises dust anywhere near comparable with fallow land is purely an attempt at biasing the ES with false statements. I05-21

Comment Letter I05 Continued (Gregory O. Garmong, October 5, 2009)

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Page ES-10, Socioeconomics

The socioeconomic impacts are manipulated to favor the Action Alternatives. The adverse impacts designed to destroy a major part of the environment and economy are widespread throughout Smith and Mason Valleys. The speculative beneficial impacts, if they were truly shown to exist, are limited to a small area immediately adjacent to Walker Lake. Mineral County away from Walker Lake will be little affected by the Action Alternatives. I05-22

The socioeconomic analysis seeks to limit the adverse effects to the agricultural workers. Yerington, Smith, and Wellington are agricultural communities, where the non-agricultural jobs are highly dependent upon the agricultural operations. The multiplier effects of agricultural and recreational job losses must be considered. I05-23

The final EIS must emphasize that the adverse effects and damage to Smith and Mason Valleys is a certainty and is widespread, inasmuch as agricultural production is well established in these areas for over 150 years. The final EIS must emphasize that any positive effects on the Walker Lake area are purely speculative, in view of the facts that there is no certainty of improvement to Walker Lake from the Action Alternatives, and there is no data or business plans to establish that there would be improvements to any recreation activities at Walker Lake, or what the magnitude of those improvements might be. For example, there is absolutely no reason to believe that doubling the physical size and/or depth of Walker Lake will double the number of people who visit there or the number of jobs there. If one compares Walker I05-22 with other nearby lakes such as Topaz Lake or Lake Tahoe or eastern Sierra lakes, or even Bridgeport Reservoir, as a destination for recreation, Walker Lake comes out far inferior to the other choices. I05-24

Page ES-10, Recreation

This section is completely inadequate. It reads like a brochure for the Walker Lake Chamber of Commerce, not a balanced assessment. The detriments of the Action Alternatives to recreation in Smith and Mason Valleys must be addressed as well. I05-25

Page ES-10, Indian Trust Assets

The final EIS must state that the proposed Action Alternatives "could" improve habitats of fish, etc., but that such improvements are pure speculation without documentation. Conversely, the adverse impacts on the ITAs "would" happen, because of the changes to the existing groundwater distribution. I05-26

Page ES-10, Environmental Justice

This section must be changed to state that there "would be severe adverse impacts" on minority and low-income workers in Lyon County by the Action Alternatives. These I05-27

-6-

adverse impacts would be devastating to these people. A great portion of the agricultural work of Smith and Mason Valleys is performed by minority workers, specifically spanish speaking immigrants who have come to this area seeking a better life. The certain damage to the agriculture of Smith and Mason Valleys by the Action Alternatives would throw hundreds of such agricultural workers out of work, thereby devastating their lives and creating heavy welfare burdens on Lyon County. The present wording of the DEIS of "could affect" grossly misrepresents the actual state of affair. I05-27 con't

The DEIS operates under the assumption that white people who are not poor are not deserving of environmental justice. White people who are not poor are the cornerstone of Smith and Mason Valleys, as the socioeconomic data quoted in the DEIS demonstrates. They provide the majority of the population, the tax dollars, the property ownership, the labor, and the jobs. While discrimination against white people who are not poor is the policy of many at the national level, it is not the law of the United States at this time. I05-28

"Environmental justice" is not just for the poor and minorities--it also applies to other people as well. Many residents of Smith and Mason Valleys live here because they wish to be part of agricultural communities harkening back to an older way of life in Nevada, that over 150 years have produced valleys that are green and verdant for 8 months of the year. Many of these people are senior citizens who wish to live as they always have lived. They want to wake up in the morning and see the agricultural sprinklers waving their wands of life. They want to raise animals and see animals being raised. They want to share an agricultural heritage of small-town American life. They have their families, live, and die in this small-town community. How many areas in Nevada can claim such an environment? Washoe and Douglas Counties are being rapidly turned into urban cities and are losing their agriculture. The northern part of Lyon County has little agriculture. Mineral County has little agriculture and no areas comparable to Smith and Mason Valleys. I05-29

If the proposed Action Alternatives are adopted, those who seek to live in such an agricultural environment will see their lives to a great extent destroyed, and the areas will be destroyed.

If the proposed Action Alternatives are adopted, Walker Lake will remain what it is--a mudpuddle surrounded by barren hills and an ammunition dump.

These aspects of "environmental justice" and quality of life are not addressed as all in the DEIS, and they must be.

Additional subject matter of the ES

There is no discussion of the legal right of the federal government to alter Walker Lake, appropriating long-established upstream water rights, and altering a lake which is owned by the State of Nevada. I05-30

Comment Letter I05 Continued (Gregory O. Garmong, October 5, 2009)

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Page 1-1, Background, Para. 2 and Para. 3

See comments above regarding page ES-2. There is no factual support for the statements in Para. 2. The changes to Walker River and Walker Lake since 1882 may be completely natural, not products of any asserted "diversion". The DEIS cites a DRI study in the next paragraph regarding TDS, but there is no citation for factual support of the statements in this paragraph. I suggest that this paragraph be removed in the ES and at page 1-1, as being speculation and unsupported. It should be noted that all of the events reported and speculated by DRI may have been completely natural in origin, as a result of the fluctuations in water flow noted by Grayson and the sources he cites. If there was a natural reduction in water flow, as well as diversion, there is no way to allocate the increase in TDS to one effect or the other. I05-31

It must also be emphasized that any analysis by "DRI", and any person or entity associated with DRI or the University of Nevada, is highly suspect, and should be excluded from the final EIS or at least flagged on each instance as highly biased. DRI stands to gain financially from the adoption of any of the Action Alternatives. DRI is affiliated with the University of Nevada, which stands to gain financially from the adoption of any of the Action Alternatives. Thus, for example, each citation to DRI must read, "A study by DRI, a biased source because it will gain financially by adoption of one of the Action Alternatives, argues..." Citations to work by DRI or University of Nevada publications or authors must be similarly identified and regarded as suspect in view of the financial conflict of interest. I05-32

Page 1-1, Background, Para. 4

There is no support for the suggestion that there was a public concern that led to the acts upon which this DEIS is based. There was political pressure and litigation by the federal government and the indians about Walker Lake, nothing more. Certainly no public concern was expressed in Smith or Mason Valleys. I05-33

Page 2-8

There is discussion of the amount of water that may be obtained as related to the available funding. It is apparent that the available funding is likely to be insufficient to fully meet the objectives. All analysis of the DEIS must be qualified to state whether the conclusions are based upon full purchase of water rights or partial purchase as limited by available funding. The range of alternatives must be set out in full. I05-34

Page 2-9, Program Administration

As discussed earlier, the University of Nevada has a financial interest in seeing that an Action Alternative is adopted. Any material referenced to such a biased source must I05-35

-8-

be clearly called out, and indicated as questionable due to bias. I05-35 con't

Page 2-9, Required Applications, Agreements, and Approvals (comment applies to all of the proposed Action Alternatives)

The State of Nevada owns the bed and shore of Walker Lake, and has expressed its intent that its lake not be altered. Gaining approval of the State of Nevada must be included. I05-36

Page 2-15, Actions Eliminated from Further Analysis

Many of these actions are highly viable, and indeed preferable to the socially and economically disruptive approaches of the Action Alternatives. The basis for eliminating these actions must be more clearly set forth. For example, if increasing salinity is a problem, as other portions of the DEIS argue, the most straightforward approach is desalination. Similarly, importing water from other areas is preferred to the socially and economically disruptive approaches of the Action Alternatives. Las Vegas is proposing to import water from great distances, and this project should consider that alternative as well. I05-37

Page 3-2. Introduction

Approximately 1/4 of the Walker River Basin is in California, yet in other sections of the DEIS it is stated that none of the water for Walker Lake under the proposed Action Alternatives will be taken from California. This is a federally funded program, and there is no basis for discriminating against Nevada water users by taking all of the water from Nevada. The Action Alternatives and their analysis must be modified to include taking a proportionate share of water from California. I05-38

Page 3-3, last two paragraphs

See discussion above in relation to page ES-2.

The discussion of the next to last paragraph on page 3-3 is biased in that it does not fully discuss the very shallow levels that Walker Lake has reached in the recent past, prior to any human intervention.

The discussion of the first sentence, last paragraph on page 3-3 is unsupported by any physical data and must be eliminated. The purpose of this paragraph is to suggest somehow that it is right and proper to end the alleged damaging diversions, when in fact there is no proof or data linking any diversions with increased TDS concentration. I05-39

Page 4-13, No Action Alternative

The effect of the No Action Alternative is badly misrepresented. The primary result I05-40

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would be that the relatively low weed/invasive plant status of Smith and Mason Valleys, achieved as a result of good management practices by farmers, would be retained. These beneficial effects of the No Action Alternative are completely ignored, so as to present the No Action Alternative as less favorable than it actually is. I05-40 con't

Page 4-13, Alternative 1

Similarly, the effect of Alternative 1 is badly misrepresented. Under Alternative 1, large irrigated agricultural areas of Smith and Mason Valleys would become fallow, and weed/invasive plant species would rapidly multiply and infest the areas, flaunting the policies of the State of Nevada. This issue is given secondary importance on page 4-17 (VEG 7). This is no secondary impact--it is a primary, direct adverse impact of the proposed Alternative 1, and must be presented as such. I05-41

The same comments apply to the other alternatives. I05-42

Page 4-18, VEG-8, Tamarisk Impact

The authors of the DEIS obviously do not live in the affected areas and have no personal experience in the area. The spread of tamarisk would be a major, terrible impact on our communities. I05-43

The same comments apply to the Alternative 2 and Alternative 3 discussions. The adverse impacts of Alternative 2 and Alternative 3 to Smith Valley and Mason Valley are vastly underrated.

Page 7-15, Alternative 1

This discussion highlights the unreality of this DEIS, found here and in all other sections of the report. As noted, full funding assumes 50,000 af/yr of water taken from Mason and Smith Valleys, while the funding provides only for 7,300 af/yr, about 1/7 as much. The DEIS assumes the unrealistic alternative of 7 times as much funding as is provided. The final EIS must be revised to reflect realistic funding and its impacts. I05-44

Page 7-17, Impact LU-5

As noted elsewhere, the effects on Walker Lake are highly speculative, because the historical trends of natural flows of water in the Walker River and water levels in Walker Lake have not been taken into account. The first sentence and related language in this section must be revised to reflect the speculative nature of the argued benefits. I05-45

Ch. 11, Recreation

This chapter is woefully incomplete in its assessments, addressing only the I05-46

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speculative benefits to Walker Lake. The adverse impacts on Recreation of taking water from Smith and Mason Valleys is given virtually no attention. This chapter must be rewritten in the final EIS to reflect the adverse changes to recreation in Smith and Mason Valleys of turning them into partial dustbowls. I05-46 con't

Page 12-5, ITA-1

There is a corresponding adverse impact to indian lands in the portion of the Walker River Basin upstream of Walker Lake. A separate heading assessing these adverse impacts must be set out. I05-47

Chapter 13, Environmental Justice

There is no definition of "environmental justice", so the term is given whatever meaning supports the selection of the Action Alternatives. I05-48

This section (Page 13-1, Affected Environment) limits the scope of "environmental justice" to areas within 1 mile of Walker River, Walker Lake, and canals, and argues that no impacts are expected outside this study area. That is an absurd limitation, and immediately determines the result of the evaluation to favor the Action Alternatives. Most of the defined population groups live more than 1 mile from such bodies of water. I05-49

Further, "environmental justice" is determined to be justified only for minority and low-income people who live in certain census tracts. There is overt discrimination against white people who are not poor. I05-50

The methodology is completely flawed. After limiting the effects of "environmental justice" to the study area within 1 mile of the bodies of water, the rest of the discussion goes into extensive speculation about the people in the study area possibly being commuters and the like. The analysis is based on racial and income characteristics county-wide, not within the 1-mile study areas. The census data used in Chapter 13 is 10 years old and clearly not reflective of the current status. New data will be available soon, and it must be used. I05-51

As discussed earlier in relation to page ES-10, Environmental Justice summary, this concept does not relate just to minority and low-income people. Instead it relates to all residents. In the United States, we still believe in attaining justice for all people, not just minorities and low-income people. The final EIS must be modified to address environmental justice for all people, not just special groups. The approach taken by the DEIS discriminates against those who are adversely impacted by the proposed approach, and are not minority or low-income. Stated alternatively, the DEIS devotes an entire chapter to minority and low-income people, and says nothing about the impacts on non-minority and non-low-income people. That is unfair and unjust, and is de facto discrimination. I05-52

Comment Letter I05 Continued (Gregory O. Garmong, October 5, 2009)

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Many residents of Smith and Mason Valleys, regardless of minority/nonminority status, and regardless of income, live here because they wish to be part of agricultural communities harkening back to an older way of life in Nevada, that over 150 years have produced valleys that are green and verdant for 8 months of the year. Many of these people are senior citizens who wish to live as they always have lived. They want to wake up in the morning and see the agricultural sprinklers. They want to raise animals and see animals being raised. They want to share an agricultural heritage of small-town American life. They have their families, live, and die in this small-town community. How many areas in Nevada can claim such an environment? Washoe and Douglas Counties are being rapidly turned into urban cities and are losing their agriculture. The northern part of Lyon County has little agriculture. Mineral County has little agriculture. I05-53

If the proposed Action Alternatives are adopted, those who seek to live in such an agricultural environment will see their lives to a great extent destroyed. I05-54

If the proposed Action Alternatives are adopted, Walker Lake will remain what it is--a mudpuddle surrounded by barren hills. I05-55

This notion of "environmental justice" is not addressed as all in the DEIS, and it must be. Failure to do so will be prima facie discrimination. I05-56

The DEIS has chapters dealing with indians, minorities, and poor people (the latter two groups only if they live within 1 mile of a body of water, a limitation clearly selected to favor the Action Alternatives). There is no mention of the environmental justice for white people, or for minorities or poor people who live more than a mile from a defined body of water. A new chapter must be prepared for a second draft EIS, for circulation to the community. The new chapter must deal with "environmental justice" and quality of life for white people who are not poor, and for minorities and poor people who live more than a mile from a defined body of water. I05-57

Many portions of the DEIS, this one included, reflect that the author is a consultant based in Sacramento. It's views are those of California, not those of Nevada. When the second DEIS is prepared, a different consultant must be used to reflect the values of this area, not those of a region and state that is failing precisely because of the kinds of biases shown by the author of the DEIS. I05-58

Chapter 14, Cumulative Impacts

This chapter is written so as to support the desired result, selection of Alternative 1. It is not a fair and unbiased assessment, even of the detailed results of the DEIS. Some examples illustrate the point. I05-59

Page 14-13, Groundwater. After describing the effect of removing a major portion of the water from Smith and Mason Valleys so that there is no recharge, the section I05-60

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concludes that "adverse cumulative impacts are not anticipated". There must be a straightforward statement that "It is expected that there will be major adverse impacts on the groundwater in Smith and Mason Valleys. I05-60 con't

Page 14-16, Land Use and Agriculture. The fact of the matter is, according to the detailed chapter on this subject, that agriculture will decrease and weeds/invasive species will increase as a result of the Action Alternatives. The increase in weeds/invasive species is contrary to the policies of the State of Nevada. I05-61

Page 14-16, Air Quality. This is perhaps one of the worst representations of the entire Cumulative Impacts section. The truth is that adding water to Walker Lake will reduce the amount of dust produced in a very small area and affect very few people. To the contrary, taking the water from Mason and Smith Valleys will vastly increase the dust produced over thousands of acres and adversely affect thousands of people, both in quality of life and health. The argument that agriculture produces blowing dust is specious--farmers take care of their land and don't allow it to blow away. I05-62

Page 14-17, Socioeconomics. The DEIS states that the project "could" reduce the economy of Lyon County, and "could" result in improved economics at Walker Lake. To be fair, the final EIS must put some magnitude on these speculations. The adverse effect on Smith and Mason Valleys will be hundreds of times greater than any possible speculative beneficial effects at Walker Lake. I05-63

Page 14-18, Recreation. Any increase in recreation at Walker Lake will be far balanced by loss of recreation in Smith and Mason Valleys as a result of less water, blowing dust, and other factors. The Final EIS must make this clear. I05-64

Page 14-18, Indian Trust Assets. Any improvements in the lower Walker River and Walker Lake would clearly be overshadowed by adverse impacts in the rest of Smith and Mason Valleys. I05-65

Page 14-19, Environmental Justice. Every impact will clearly be adverse to the minority and low-income populations. The attempt to sugar coat these adverse impacts with the speculation on other nonexistent programs is unfair and biased. The concluding sentence of this section, suggesting that the adverse impact of the proposed Action Alternatives, coupled with the impact of nonexistent, unspecified other programs, would have no adverse impacts, is intentionally misleading and an attempt to paint a smiley face on a policy which will greatly injure minority and poor people. Further, there is no discussion of the adverse impacts on other segments of society. As noted above, the environmental justice for white people who are not poor is not addressed at all in the DEIS. If environmental injustice is being encouraged against white people who are not poor by urging the adoption of the Action Alternatives, then the EIS should clearly state this decision by Reclamation rather than leaving it implied as it is now. I05-66 I05-67

In summary, the Cumulative Impacts section seeks to mischaracterize a highly I05-68

Comment Letter I05 Continued (Gregory O. Garmong, October 5, 2009)

adverse result that would be achieved by the Action Programs as being counterbalanced by other programs, and there is simply no evidence supporting that mischaracterization. I05-68 con't

Summary

It is clear that the author of this DEIS knows that its sponsor wants a report that is favorable to selecting one of the Action Alternatives, especially Action Alternative No. 1, and is slanting the presentation in that direction. The DEIS must be revised to present a fair and unbiased assessment, not what is found in the current DEIS. I05-69

While the DEIS contains a minor amount of useful information, its usefulness as an environmental impact statement is completely negated by the inclusion of extensive speculation about any benefits to Walker Lake from the taking of the upstream water by the federal government, and the building of its conclusions on racially and other biased grounds. I05-70

The DEIS is authored by a California company seeking to export the failed views and biases of Californians to Nevada. I05-71

The pervasive air of refusal to face reality of the DEIS is further emphasized by the complete ignoring of the fact that Lyon County is one of the most economically depressed counties of the entire United States, with an unemployment rate of about 16%. There is no mention of Lyon County's dire economic straits in the DEIS. The DEIS blithely encourages a program that will result in further unemployment in one of the few primary business activities that brings earned income to Lyon County from other regions, agriculture. Lyon County is suffering, yet the federal government seeks to grind its heel into the faces of the Lyon County residents even more, while funding a major government job-producing operation at Walker Lake, the Hawthorne munitions facility. I05-72

The DEIS is so flawed that it is difficult to see how it could be revised to be acceptable. Reclamation must start from scratch in preparing a second, but unbiased, DEIS. The second DEIS must be written with direct input from the communities involved, and with the members of the communities funded by Reclamation just as it has funded the Sacramento consultant to prepare a biased DEIS. To expect volunteers such as myself to attempt to set straight a completely misstated and biased document without funding is itself an attempt to bias the evaluation process. I have not been able to explore all of the areas of error in the DEIS because I must work on other things. If members of the community who are familiar with this area are paid to contribute to the writing of a second, unbiased DEIS, then a useful final product will result. I05-73

Sincerely,

Gregory O. Garmong

Response to Comments of Letter I05 (Gregory O. Garmong, October 5, 2009)

I05-1

Comment acknowledged. The commenter does not provide information on what elements of Walker Lake history were considered misstated in the DEIS so Reclamation is unable to address the issue. Reclamation believes that the expected adverse and beneficial impacts of the Acquisition Program were displayed without bias in the Revised DEIS. An EIS is prepared when significant impacts are expected; therefore, there is no reason to bias the results. Please see Standard Response 7, No Bias in NEPA Impacts Analysis.

I05-2

The commenter does not provide information on the perceived biased speculative benefits; therefore Reclamation is unable to address this issue.

I05-3

No information is provided for Reclamation to examine what the commenter feels is racially and culturally biased. In the Revised DEIS, Chapter 13, Environmental Justice, includes a required analysis of project impacts on low-income and minority populations. This chapter has been revised to provide a definition of Environmental Justice to more fully explain this requirement. Chapter 12, Indian Trust Assets, provides the analysis of impacts on Indian Trust Assets (ITAs) that is also required by federal agencies. ITAs are legal interests held in trust by the U.S. government for federally recognized Native American tribes. Analysis of these two requirements is not discretionary by the federal agency. The other Revised DEIS chapters describe all other expected impacts related to the Acquisition Program, both adverse and beneficial, throughout the Walker River Basin.

I05-4

The decline in lake elevation observed since 1882 has been caused by diversions from the river. Figure 3-3 of the Revised DEIS shows inflow to the East and West forks of the Walker River from 1960 through 2007. Inflow has fluctuated, but there has been no trend for a decrease in inflow to the basin. During this same time, the lake elevation has continued to decline as a result of surface water diversions. Figure 3-18 of the Revised DEIS shows average flow volumes. For 1981 through 2008, an average of about 207,000 af/yr has been diverted from the Walker River in Smith Valley, Mason Valley, and the East Walker reaches and only 139,000 af/yr has passed Wabuska. See also Response to Comment I0 03-7.

I05-5

Comment acknowledged. Reclamation believes the analysis and studies substantiating the Revised DEIS analysis show that increasing inflow in sufficient amounts to Walker Lake will improve the health and viability of the lake and begin to reverse the decline of the lake. The Revised DEIS cites these studies and explains the analysis in detail. The Revised DEIS also discloses that adverse impacts to Smith and Mason Valley communities are expected. The role of the Revised DEIS is to describe adverse and beneficial impacts expected under the Acquisition Program and No Action Alternative, not to make value judgments.

I05-6

The Acquisition Program goal is to address the human-made decline in lake elevation and improve environmental conditions of the lake. If precipitation in the eastern Sierra and Nevada declines significantly, both the lake and agriculture will suffer. Revisions

have been made to Chapter 3, Water Resources, regarding ancient lake levels.

I05-7

The lake water balance analysis indicates that if hydrologic conditions remain similar to the past 100 years, the Acquisition Program would cause an increase in lake elevation and decrease in TDS concentration. This comment is likely directed more toward the potential failure of the Acquisition Program if hydrologic conditions such as base flow levels change. In this regard, see Response to Comment I05-06. The hydrologic discussion in Revised DEIS Chapter 15, Climate and Climate Change, is also pertinent.

I05-8

Reclamation acknowledges this opinion. Reclamation stands by the Revised DEIS analysis that shows that Walker Lake conditions would be improved as a result of acquisitions from willing sellers to increase average annual inflows to the lake and that this finding is not speculative. The remaining part of this comment regarding politicians is the commenter's opinion and the comment is acknowledged.

I05-9

Reclamation believes the Revised DEIS results are based on analysis and existing studies that support the finding that the transfer of water acquired from willing sellers to Walker Lake would benefit the lake.

I05-10

Walker Lake has fluctuated dramatically over the past 5,000 years in response to changes in climate and the course of the Walker River (sometimes the river flowed into the Carson Basin). Under current hydrologic conditions, lake level would be much higher than it is now if it were not for agricultural diversions. The DEIS analysis shows that the rapid decline of Walker Lake level began when upstream agricultural irrigation began and has been declining steadily during the past 90 years of upstream irrigation. Please also see Response to Comment PHH-45.

I05-11

The text in the Executive Summary has been revised to reflect the impacts of alternatives on groundwater levels.

I05-12

The water proposed to be leased from Homestretch is geothermal effluent. The effluent water is normally discharged onto surface areas (Homestretch is not currently required to re-inject their geothermal water), but under the proposed acquisitions would instead be piped to the river to provide inflow to Walker Lake. If the geothermal water is leased or acquired it would provide both geothermal energy and water for environmental benefit in Walker River and Walker Lake. Lease or acquisition of the geothermal water depends on a myriad of approvals and requirements such as a NDEP discharge permit, Reclamation Environmental Assessment, BLM crossing permits, Division of Minerals requirements, and Division of Water Resources approvals. If implemented, the Division of Minerals would monitor the project to prevent degradation of the geothermal resources and NDEP would monitor water quality. Changes and adjustments based on the monitoring could occur.

I05-13

The impacts listed in Table ES-2 in the DEIS in the Impact Title column are for the acquisition alternatives, and the type of effect (i.e., beneficial, minor, adverse) is provided in the Alternative column for all three action alternatives. Impacts of the acquisition alternatives are presented side by side in this table format to enable the reader to compare the effects. Detailed discussions of the impacts

are provided in each resource chapter. A subheading has been added to the table to identify the acquisition alternatives.

I05-14

For an explanation of table items, see Response to Comment I05-13. The scientific basis of impacts is discussed and referenced in each of the resource chapters.

I05-15

The table and the Revised DEIS as a whole are intended to present information in a clear manner. No specifics are provided to assist Reclamation with addressing this concern.

I05-16

The relative value of riparian habitat in canals and drains versus habitat along the Walker River is discussed in Revised DEIS Chapter 4, Biological Resources—Vegetation and Wetlands, Impact VEG-2.

I05-17

The Revised DEIS (Executive Summary and Chapter 4, Biological Resources—Vegetation and Wetlands) describes the potential for the spread of invasive plant species. The use of "could" is appropriate because it is not known how private landowners will choose to manage their lands. Reclamation would like to clarify that no water would be “taken” from Smith and Mason Valley. Rather, water may be acquired from a willing seller who chooses to sell their privately owned water right.

I05-18

The impact summarized in the Executive Summary, and described in more detail in Chapter 5, Biological Resources—Fish, is based on the scientific information presented in the Affected Environment section of that chapter and the hydrology analysis presented in Chapter 3, Water Resources.

I05-19

See Response to Comment L05-18.

I05-20

See Response to Comment L05-17.

I05-21

Comment acknowledged. The use of "could" is appropriate because it is not known how private landowners will choose to manage their lands.

I05-22

The Revised DEIS displays both the expected adverse socioeconomic impacts on upstream communities and the beneficial impacts on downstream communities. An EIS is prepared when significant impacts of a project are expected to occur. All alternatives, including the acquisition alternatives and the No Action Alternative, would result in potential significant adverse impacts. See Standard Response 7, No Bias in NEPA Impacts Analysis**.**

I05-23

Chapter 10, Socioeconomics, includes an assessment of changes in employment that would occur as a result of changes in agricultural production in Smith and Mason Valleys and recreation opportunities occurring at Walker Lake. The total change in employment includes direct, indirect, and induced losses. The losses resulting from changes in agricultural production are shown in Table 10-1 of the Revised DEIS. Chapter 10 has also been updated to show the estimated number of jobs that would result if recreation opportunities at Walker Lake returned to 1999 levels. The direct losses shown in

Table 10-1 are in the agriculture sector. The indirect losses are in economic sectors that serve the agriculture sector. The induced losses result from changes in household expenditures related to the change in income earned through employment in a directly or indirectly affected industry.

Chapter 10 of the Revised DEIS has also been updated to show the estimated number of jobs that would result if recreation opportunities at Walker Lake would return to 1999 conditions.

I05-24

In regard to the comment on adverse impacts in Lyon County versus beneficial impacts in Mineral County, see Responses I05-8 and I05-22, above. In regards to the analysis being "speculative" and the assertion that doubling the size of the lake would double the number of people who visit there, the analysis does not attempt to quantify impacts on recreation because that would indeed be speculative. Instead, general discussion is provided. The doubling of recreation is not discussed anywhere. In regards to the benefit of one recreational area over another, the Revised DEIS does not place a value judgment on the benefit of recreation in one area over another. In addition, the goal of the Acquisition Program is not to provide water for recreational opportunities at Walker Lake, although that would be a beneficial impact of the program. The objective of the acquisitions is to comply with the various Desert Terminal Lakes Public Laws to provide water to Walker Lake.

I05-25

No information is provided by the commenter regarding why they believe recreation benefits listed in the DEIS would not occur at Walker Lake if the lake level increased. The commenter also did not provide any information on what recreation impacts in Mason Valley and Smith Valley they believe could occur from the action alternatives for consideration in the DEIS; improved fishing from increased river flows upstream and the positive impact on habitat is discussed as a beneficial impact of the Acquisition Program. A comment at one of the DEIS public hearings noted that recreational hunting in agricultural fields would be affected in those fields that would no longer be in agricultural production under the Acquisition Program. This impact has been added to the Revised DEIS.

I05-26

Reclamation acknowledges this opinion. No evidence is supplied for consideration for changing any analysis in the Revised DEIS.

I05-27

Reclamation notes an error in the Executive Summary for Impact EJ-1: Affect Minority and Low-Income Groups in Lyon County. The finding has been corrected to state Adverse Impact. While the Executive Summary (which is meant to briefly summarize impacts that are fully explained in the Revised DEIS chapters) does not discuss the impact in detail, Revised DEIS Chapter 13, Environmental Justice, does provide more detail: "...the loss in agricultural production could result in a substantial impact on employment in the Lyon County agricultural production sector, which would have a disproportionately high and adverse impact on low-income and minority groups employed by this sector."

I05-28

The purpose of Revised DEIS Chapter 13, Environmental Justice, is to comply with Executive Order 12898 of February 11, 1994, which states that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations". This definition has been added to the beginning of that chapter to clarify why Environmental Justice is analyzed in the Revised DEIS.

I05-29

As described in Response to Comment L05-28, the purpose of Environmental Justice is to address impacts on minority and low-income populations. Addressing general quality-of-life issues is not part of the definition of Environmental Justice as mandated by Executive Order. Impacts related to specific resources such as agriculture, recreation, and air quality, are addressed in other resource chapters of the Revised DEIS.

I05-30

The federal government will not appropriate water rights; Reclamation will provide funding for the Acquisition Program as authorized in PLs 109-103 and 111-85. Water rights will be acquired and the place of use will be transferred to accommodate delivery to Walker Lake. Purchased water rights will be administered according to priority and all other water rights laws and regulations applicable to any water right holder in the basin. Please see Standard Response 8, Measuring and Monitoring.

I05-31

It is true that lake elevation is affected by hydrologic conditions. However, it is unlikely that hydrologic conditions in the 100 years or so prior to 1882 were much different than the hydrologic conditions since then. However, as described in Chapter 3 (Surface Water Diversions for Irrigation), "the more recent diversion data for 1981 – 2007 indicates an average diversion of about 207,000 af/yr. This represents about 67% of the average inflow to the East Walker Reach and Smith Valley (average of 309,000 af/yr for the same period)." There is no doubt that this decrease in lake inflow has caused most or all of the drop in lake elevation.

If the Smith Valley plus East Walker inflow of 309,000 af/yr is inserted in the lake water balance calculations with a 15% loss (i.e., average lake inflow of about 263,000 af/yr), the predicted lake level would be 4,078 feet, only slightly lower than the estimated 1882 elevation of 4,083 feet. The Revised DEIS recognizes this is a somewhat coarse analysis because 1) it does not include water that is diverted in Antelope Valley or California, 2) it is difficult to estimate loss rates with unimpaired flows (having unimpaired flow would tend to reduce the percent of total water lost), 3) it is difficult to estimate how much river infiltration would increase in response to a complete lack of incidental groundwater recharge from irrigation, and 4) it is difficult to say how groundwater inflow to the lake would change in response to an increase in river flow.

I05-32

Reclamation believes that the University and DRI employ researchers with expertise in their respective fields. Researchers, as in any other profession, seek to maintain their professional integrity in their field, in this case through unbiased research. The peer-reviewed research conducted by University and DRI researchers provides the latest available scientific information on current conditions and issues in the Walker River Basin. For the Revised DEIS to not include current research by highly qualified scientists would be irresponsible and would invalidate the Revised DEIS analysis. The Revised DEIS analysis also relies on numerous other published research, local, state and federal agency expertise, publicly available data, public comment, tribal consultations, and information provided by Cooperating Agencies with jurisdiction and expertise related to the Walker River Basin.

I05-33

Public concern over the decline of Walker Lake is well documented. Numerous land management agencies, conservation groups, residents of Walker Lake communities, Mineral County, WRPT, individuals, and other entities have expressed concern. During the EIS process it was apparent that there are very divergent opinions over concern related to the health of Walker Lake and the Acquisition Program. The text referred to was not meant to imply all

of the public holds this concern. The text has been modified to say "some members of the public and other entities....”

I05-34

All impacts analyses in the Revised DEIS resource chapters show both the expected impacts for the funding amount of $56 million and for potential future funding that would expect to result in an average of 50,000 af/yr inflow to the lake.

I05-35

Reclamation sees no financial interest tie to the University and implementation of any of the action alternatives. See Response to I05-32.

I05-36

The Acquisition Program does not propose to acquire ownership of the lake’s “beds and banks”, but rather water and related interests from sources upstream to increase average annual inflows to the lake. The proposed additional inflows are expected to bring the lake to an elevation that, while much higher than current conditions, would remain well below historic levels. All required applications and agreements and approvals, including any required by the State of Nevada, would be obtained prior to full implementation of the Acquisition Program.

I05-37

The Purpose and Need for the Revised DEIS states that it must comply with the Public Laws related to the proposed acquisition action alternatives in the Revised DEIS. These Public Laws direct Reclamation to provide funding to the University or NFWF for acquisitions.

I005-38

As noted in the Revised DEIS, the law passed by Congress regarding the Acquisition Program only allows acquisitions from willing sellers in Nevada. In compliance with law, the Revised DEIS analysis does not include acquisitions in California. However, WRID’s rights to stored water in California, which are appurtenant to and used on lands in Nevada, may be included in the Acquisition Program if offered by willing sellers. The 3-year WRID demonstration water leasing program authorized separately by PL 111-85 will be funded through a grant agreement with NFWF. WRID’s pilot project may or may not be different from the Leasing Alternative analyzed in the Revised DEIS and is not formally part of the Acquisition Program being analyzed in this Revised DEIS. If WRID’s demonstration program did include California it would likely require CEQA analysis (see Standard Response 4, CEQA Requirements).

I05-39

The text on ancient lake elevations has been revised. Lake elevation has fluctuated greatly over the past 5,000 years, both up and down. Also, please see response to I05- 31. Lake elevation is controlled by inflow, which has decreased as a result of diversions, and TDS is controlled by lake level (as well as TDS influx).

I05-40

Thank you for correcting this omission. The No Action Alternative discussion in Chapter 4, Biological Resources—Vegetation and Wetlands, will be revised to recognize that farming practices in agricultural fields would expect to continue to result in the control of invasive plants and weeds. The control of weeds in farm fields is also expected to reduce the spread of weeds in proximity to the agricultural fields and along conveyance ditches and drains.

I05-41

Under NEPA, an indirect impact is not less important, or "secondary," to a direct impact; they carry equal weight. The classification of the impact as indirect has to do with the potential for weed infestation to occur later in time. As indicated in the text, this impact is considered an adverse impact.

I05-42

Reclamation acknowledges this opinion. No specifics are provided for Reclamation to consider for the Revised DEIS analysis.

I05-43

While there are overall major environmental benefits of providing water to Walker Lake, there are some adverse impacts as well. The increased flows may have minor impacts on spread of tamarisk; however, tamarisk removal remains a priority for the various entities working in the Walker Basin and tamarisk treatment is expected to continue and possible increase as additional funding becomes available. With continued efforts on tamarisk removal for a variety of entities, it is possible that there will be a net overall reduction in tamarisk that offsets the potentially minor increase related to increased flows in the Walker River. It is also important to note that the spread of noxious weeds including tamarisk is already an issue in the Walker River system and noxious weeds will continue to spread even without increased flows under the Acquisition Program.

I05-44

For clarification, in the Revised DEIS full funding assumes that the 50,000 af additional annual inflow into Walker Lake would require acquisitions of approximately 82,000 af/yr (the difference takes into account such factors as flow loss rates in the river). Reclamation chose to analyze two funding levels in the Revised DEIS to fully display impacts that would occur if the additional funding becomes available to meet the stated restoration goals for Walker Lake. To only display impacts related to the lower funding amount would misrepresent and underestimate the expected impacts of the Acquisition Program.

I05-45

Please see Response to Comment I05-31 as well as the Walker Lake Analysis section of Chapter 3, Water Resources.

I05-46

The beneficial impact on recreational fishing in the river in the upstream areas was discussed Chapter11, Recreation. Based on comments received, further discussion has also been added to this chapter to address adverse impacts from the Acquisition Program on hunting and wildlife viewing opportunities in agricultural fields.

I05-47

Impacts on YPT in the Mason Valley are identified in Impacts ITA-3, ITA-4, and ITA-5.

I05-48

A brief discussion of the purpose and origin of the concept of Environmental Justice has been added to the introduction.

I05-49

The defined study area is quite large, as shown in Figure 13-1, and was selected because no impacts from the Acquisition Program were expected outside of this area.

I05-50

See Response to Comment LO5-28.

I05-51

The methods used to determine Environmental Justice impacts are appropriate. The study area encompasses the low-income and

minority populations most likely to be affected, and the data used are the most up-to-date data available.

I05-52

See Response to Comment LO5-29.

I05-53

Reclamation acknowledges this opinion and these values.

I05-54

Comment acknowledged. The Revised DEIS findings show adverse impacts would occur, but they are not expected to be so adverse that they would "destroy lives".

I05-55

Comment acknowledged. Reclamation, however, believes that the analysis and studies relied upon in the Revised DEIS show that increasing inflow in sufficient amounts to Walker Lake would improve the health and viability of the lake and begin to reverse the decline of the lake. Walker Lake is not currently a mud puddle and, unless hydrologic conditions become much drier in response to climate change, implementation of the Acquisition Program would cause lake level to increase significantly.

I05-56

See Response to Comment LO5-28.

I05-57

See Responses to Comments LO5-28 and 29. In addition, the study area has been appropriately defined to reflect where impacts would be expected to occur, as discussed in Response to Comment L05-51.

I05-58

Reclamation used a variety of preparers, including ICF Jones& Stokes consultants, with expertise related to preparation of the DEIS. In addition, preparation of the DEIS included public input and comment; Cooperating Agency with jurisdiction and special expertise input and comment; publically available data; local, state, and federal agency expertise; tribal consultations; University of Nevada and DRI research; and other published research. Reclamation believes that the Revised DEIS is valid and not biased. Please see Standard Response 7, No Bias in NEPA Impacts Analysis.

I05-59

Comment acknowledged. Specific examples provided by the commenter are addressed in the following comments.

I05-60

Section 14-13 in DEIS Chapter 14, Cumulative Impacts; and Chapter 3, Water Resources, have more information regarding groundwater impacts. In the Revised DEIS, the cumulative impact on groundwater is not considered to be adverse (i.e., other projects are not expected to greatly modify the effect of the program on groundwater), but the potential impact of the program on groundwater is considered adverse depending on how the program is implemented (see Revised DEIS Chapter 3, Impact WI-8).

I05-61

Comment acknowledged. Nevada regulations related to invasive plant species are described in Chapter 4, Biological Resources—Vegetation and Wetlands.

I05-62

The impacts associated with removing irrigation from agricultural areas are discussed in Chapter 8, Air Quality. Air quality criteria could be exceeded based on management of the land once water is

removed. The impacts on air quality from allowing the lake to continue to decline and exposing lake bed are also discussed. While planted crops have a tendency to reduce fugitive dust during high wind events, current agricultural activities result in the release of fugitive dust from planting, plowing, burning, and off-road vehicle travel (e.g., tractors). Fugitive dust also is a problem related to dirt roads throughout the farmland areas, and to land fallowing that currently occurs in the agricultural areas (Putnam et al. 2007).

I05-63

The total estimated direct and indirect loss in employment as a result of implementing the program is reported in Chapter 10, Socioeconomics, of the Revised DEIS. This chapter has been updated to include a quantitative discussion of the increase in employment if recreation opportunities at Walker Lake return to 1999 conditions. Chapter 14, Cumulative Impacts, addresses the effects of the Acquisition Program in combination with other past, present, and reasonable foreseeable actions. The discussion acknowledges that the overall changes in employment cannot be accurately quantified because of data limitations.

I05-64

The Revised DEIS documents both adverse and beneficial impacts. It does not compare impacts against each other; this would involve making value judgments that is not appropriate for an EIS. There are contrasting public views of the Acquisition Program related to the value of improving conditions at Walker Lake and the impacts on upstream agriculture. The Revised DEIS discloses impacts to provide information on the implementation of the Acquisition Program and the No Action Alternative.

I05-65

Opinion acknowledged. The opposite opinion has also been provided to Reclamation.

I05-66

The impacts on low income and minority populations have not been sugar-coated; these impacts are described as adverse in Chapter 13, Environmental Justice. However, this does not mean that these impacts would be more severe when considered in the cumulative context of other reasonably foreseeable actions in the basin as a whole.

I05-67

See Responses to Comments LO5-28 and 29. Environmental Justice analysis is defined Chapter 13, Environmental Justice, and is required under an Executive Order. Program impacts on other populations throughout the study area are described in other chapters, including Chapter 10, Socioeconomics; Chapter 8, Air Quality; and Chapter 10, Land Use and Agriculture.

I05-68

The purpose of Chapter 14, Cumulative Impacts, is to consider if the impacts of the Acquisition Program, whether individually less than significant or significant, would lead to a significant impact when considering other reasonably foreseeable actions in the Walker River Basin. The analysis in Chapter 14 recognizes that impacts of the Acquisition Program are both adverse and beneficial. The Acquisition Program, when combined with other projects, results in both cumulatively adverse and beneficial impacts to varying degrees of significance. None of the cumulative impacts disclosed in this chapter state that the Acquisition Program is counterbalanced by other programs.

I05-69

See Standard Response 7, No Bias in NEPA Impacts Analysis. Reclamation is directed by law to provide funding to the University or NFWF for acquisitions. Reclamation prepared a Revised DEIS to display impacts of that Acquisition Program and provide a process

for public comment and disclosure. Because significant impacts are expected for an EIS, there is no need to modify the actual impacts of a project analyzed in an EIS.

I05-70

Reclamation stands by the Revised DEIS analysis that shows that improvements in Walker Lake quality and viability would result from acquisitions from willing sellers and that this finding is not speculative. No "taking of the upstream water by the federal government" would occur. Rather, if an owner of a privately held water right desires to sell or lease their water, funding would be available under the Acquisition Program for consideration for purchase or lease of that water. The commenter's personal opinions on EIS racial issues and biases are noted.

I05-71

Comment acknowledged.

I05-72

The Revised DEIS has been updated to include a discussion recognizing that unemployment in Lyon County is higher than the Nevada statewide averages and trended upward during 2009. Reclamation recognizes that implementing Alternatives 1 and 2 before an economic recovery occurs could further contribute to the high unemployment rates in Lyon County. Commensurate information was also added regarding Mineral County. Mineral County’s employment rate is also higher than the statewide average and will also trend higher as a result of recent layoffs and planned reductions in hours at the Hawthorne Army Depot.

I05-73

Comment acknowledged. Public input was solicited from affected communities, both those upstream and those at Walker Lake who would be affected adversely and beneficially by the Acquisition Program and No Action Alternative. See Standard Response 7, No Bias in NEPA Impacts Analysis.

Comment Letter I06 (Norm Saake, October 1, 2009)

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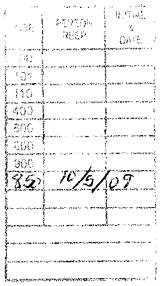
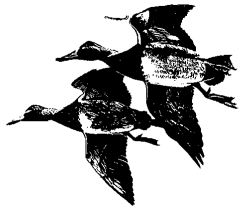
Lahontan Basin Area Office





Letter I-06

Caryn Huntt DeCarlo
Walker EIS Project Lead
Bureau of Reclamation
705 N. Plaza Street, Room 320
Carson City, NV 89701

October 1, 2009

Dear Ms. DeCarlo:

Thank you for the opportunity to comment on The Walker River Basin Acquisition Program Draft Environmental Impact Statement. Also, thank you for extending the comment period to October 5, 2009.

As you know, I spent about three and a half years of my career with NDOW and the FWS as a co-preparer of the EIS for the Acquisition of Water Rights for the Lahontan Valley Wetlands. I am very familiar with the waterfowl and wetland resources of the Walker River Basin and in particular those associated with Walker Lake. Because of my 35 years with NDOW as the State's waterfowl and wetland biologist, I have extensive knowledge of how wetlands in the Basin operate and how changes affect on the migratory waterfowl population. Looking back on the EIS that I worked on, I can appreciate the magnitude and challenge of this project. I06-1

While most of the document appeared to be well prepared, I was very disappointed in the sections dealing with wetlands, waterfowl, and other wetland dependent wildlife species. It appeared that the preparers of the document did not realize the importance of wetlands and migratory waterfowl in this area and the amount of data that is available for these resources. There should have been several tables in the document that show waterfowl and other wetland dependent bird species population numbers, waterfowl use-days, breeding populations, wetland acres by classification type (submergent vegetation was almost never mentioned), and recreational use-days. Maps from the National Wetlands Inventory should be included to give readers an idea of the scope of the wetlands in the area. It would be very difficult for any person who was not intimately familiar with the resources of the Walker River Basin, to be able to quantify and accurately evaluate the impacts this program, with the limited information provided. This document just does not adequately delineate the environment impacts that the proposed program has and will have on the wetlands and wetland dependent species of the area. An EIS is supposed to list tall impacts and provide the necessary information for a decision maker to evaluate the environmental consequences, and for these topics, the document falls short.

I06-2
I06-3
I06-4

"Wildlife Habitat, the Key to Preservation"

As I mention in my comments, Nevada had lost approximately 82% of its wetlands by the start of the 1970's and since that time significant losses have continued. Most of these losses were the result of Federal government programs. In the last eighty years, Nevada has also lost two State wildlife management areas and two federal national wildlife refuges. To my knowledge no other state in the nation has had the distinction of allowing this number of governmentally managed wetlands to be destroyed. I06-5

As Walker Lake has receded, it has developed larger shallow water areas that in turn now produce the most extensive aquatic beds of widgeon grass in the State. This vegetation is a high value food source for waterfowl that must migrate across the driest state in the nation. It is also one of the most reliable food resources, since it actually produces a larger crop in drought years when other wetlands in the region are either dry or are greatly reduced in size. In many ways, Walker Lake has helped to make up for the significant wetland losses that have occurred in the rest of western Nevada. I have been doing month aerial surveys on Walker Lake for 43 years and I was disappointed that the Lake was not identified as having one of the largest waterfowl concentration areas in the State. During both August and September surveys this year, Walker Lake had the highest waterfowl populations in Nevada, and this is a common occurrence in resent years as the lake has receded. I06-6 I06-7

Attached are some of my comments on the document, which list the page, reference statements from the draft, and my comments in italics below. I hope that you will be able to follow this format for the comments. Unfortunately my schedule was very busy and I didn't have enough time to go through the entire document and had to pretty much limit my time to just those portions that dealt with the wetlands and waterfowl issues. The comments are just as I initially wrote them down and I did not have the time to go back over them for a final edits. I hope that you will be able to understand the points I was trying to make. If there are portions which you do not understand or would like clarification on, please feel free to contact me. If you would like some help rewriting or expanding the wetlands and waterfowl sections, you can also contact me and we can see what we can work out. I06-8

Sincerely,

Norm Saake
4585 Saint Clair Rd.
Fallon, NV 89406
775-240-9752

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 3

1-2

The existing high TDS levels in Walker Lake have threatened the lake's viability as a fishery and have far reaching impacts on the health of the lake and its associated ecosystems. Public concern over the declining lake elevation and resulting declines in the water quality and ecology of the lake led to Congressional legislation intended to address the lake's problems, as described above in the Introduction section of this chapter. I06-9

As the Lake has gone down and TDS has increased, the amount of widgeon grass has increase and waterfowl numbers have increased, so increased TDS has been beneficial to migratory waterfowl and coots. Widgeon grass require high TDS levels and does not do well in fresher water.

Figure 1-2
Probably should change the name from Artesia to Alkali Lake WMA on the map. I06-10

1-8

resident population of Lahontan tui chub (*Gila bicolor)*, a critical food source for the lake's LCT population and for migratory fish-eating birds like the common loon (*Gaver immer*) and white pelican (*Pelicanus erythrophynchos*) (Sharpe et al. 2008). If conditions continue to decline, neither LCT nor tui chub will be able to survive in Walker Lake, and eventually the lake could become like Mono Lake, hosting brine flies and brine shrimp (Sharpe et al. 2008).

Why is there no mention of the waterfowl and coot resources at Walker Lake? In recent years the Lake is the site of the highest populations of ducks and coots in the entire state. The highest concentrations of redhead ducks are found consistently found here in the fall and winter periods. Coot populations have exceeded 100,000 birds on many occasions. The first two surveys this year have shown that the highest duck population in the state are on Walker Lake and this has occurred many times. I have count figures for this and most other waterfowl concentration area that go back over 43 years, the period I have been survey waterfowl in Nevada. As the lake has declined, waterfowl food production has increased and bird numbers have responded correspondently. Why hasn't the Lake's importance to the waterfowl resource of the Pacific Flyway received more recognition? I06-11

1-8

A large-scale integrated research program was established by DRI and the University in order to enact an ecologically and economically sustainable program of water acquisitions. I06-12

DEIS comments - Saake Page 4

Has DRI looked at the ecological and economic aspects of the from the increasing waterfowl usage? Have they looked at the benefits of the Lake to migratory waterfowl and other waterbirds as wetlands in the rest of Nevada have been lost or degraded in recent years. In the late 1960's, the FWS estimated that over 82% of the wetlands in Nevada had been lost and since that time significant additional wetlands have been lost. Since the 1960's, Nevada has lost two State WMAs and two NWRs, primarily due to federal intervention. To my knowledge, no other state has lost three governmentally managed wetland complexes to federal actions. These losses have made an area like Walker Lake even more important to migratory waterfowl which must cross the Great Basin to get to the wintering areas in California. Since Nevada is the driest state in the nation, areas like Walker Lake are even more important, especially when the area provides such and abundance of high quality feed even in drought years when other wetlands are greatly reduced or dry. I06-12 con't

1-8

Evaluate and establish a benchmark for the environmental and ecological health of Walker Lake and Walker River and develop decision tools to analyze the efficacy of different water acquisitions. *Are the health of the wetlands associated with the Walker river going to be evaluated? Are they going to evaluated the adverse impacts to wetlands and wetland dependent birds as a result of the various action to increase the level of Walker Lake. Are they going to evaluate the adverse impacts to the widgeon grass production and to the birds which rely on this food source in Walker Lake, as the water levels increase.* I06-13

1-10

USFWS Walker Lake Fishery Improvement Program— USFWS, Walker River Paiute Tribe (WRPT), and Nevada Department of Wildlife (NDOW) are developing and implementing a monitoring plan to understand how the lake's ecosystem and native fishery are responding to changes in lake surface elevation, river inflow, and salinity. Year two of the 5-year monitoring plan is underway. *Are there any plans to monitor the impacts on wetlands and wetland dependent birds in the Walker River Basin and if not why not?* I06-14

2-3

The University could consider the following factors in their acquisitions should the potential water offers exceed available funding: *Are they going to look at the impact to existing wetlands on either private, State, or Indian lands from the acquisition program and if so to what level? Will there be an attempt to reduce the loss of existing wetlands?* I06-15

2-4
Effective implementation of the Acquisition Program would require development and employment of an operations plan for Weber Reservoir *Is anyone going to look at the impacts to the wetland complex that exists on the upper end* of *Weber Reservoir* ? I06-16

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 5

2-8

To limit the potential impacts of Alternative 1 on agricultural land use and the agricultural economy in Mason Valley, Smith Valley, and the East Walker area, the University intends to make acquisitions that would result in no more than a 33% reduction in the irrigated acreage within each of these three geographic areas *How can this be, since is one area has considerably less than 33% of the total, the other two areas have to be above the 33% level?* I06-17

2-13

Walker Lake Inflow Associated with Increased Efficiencies

Is there going to be any effort to reduce or at least quantify the amount of wetland losses and the impacts to wetland dependent wildlife, that will occur with higher efficiency rates in the Walker River Basin. In Lahontan Valley the push for higher agricultural irrigation efficiencies had a devastating impact the areas wetlands and has taken millions of dollars to somewhat offset. I06-18

2-15

Actions Eliminated from Further Analysis

Comment : the list below in the document sound very similar to those put forth by the Pyramid Lake Task Force in the 1970's. I06-19

3-26

Estimated Riparian/Wetland Acres Supported by Irrigation 353 **2,217** 4,906

Does this acreage figure include the wetland acres at the Alkali Lake WMA that have already been lost as part of the process to send more water to Walker Lake? I06-20

3-31

Mercury concentration in Walker Lake has also been a concern (Seiler et al. 2004).

Just a question - Have the mercury levels in the fish at Walker Lake been measured and what is the mercury content in their flesh/ could we be trying to save a lake with a contaminated fish population???? Waterfowl at least anc and do leave the area for a majority of their lives but the fish are stuck there. I06-21

4-1

Sources of Information

Is there a reason that NDOW or myself were not asked to provide data or input of the wetlands I06-22

DEIS comments - Saake Page 6

portion of this document? I have over 40 years of experience working with the wetlands of the Walker River Basin and was one of the coauthors of the EIS for the Purchase of water rights for the Lahontan Valley wetlands. I also have waterfowl population figures and other records for many of these area that go back to the 1960's. I probably have the most complete set of waterfowl population records for these areas in existence. I06-22 con't

4-2

Option 2, Homestretch Geothermal

No mention of submergent vegetation. What is the water quality coming out of this site? I06-23

4-5

cattail (*Typha* sp.), and bulrush (*Schoenoplectus acutus*), most of which are native species.

Bulrushes in the area are mainly Scirpus acutus and paludosus or robustus. I have no idea what the scientific name list is unless someone has made some changes in the last few years. Sago pondweed and widgeon grass should also be listed among the important wetlands plants in this area. There are several other important wetland plants in the area but I didn't know how far you wanted to go. I06-24

4-5

In dry years, the lake typically is dry by the end of the summer

Under current conditions to provide more water for Walker Lake the State wildlife area is dry during the majority of every year. Usually the only water now on the area is that which collects for a short time after a heavy rain storm or after the winter's snow melts. There are also several springs along the west shore line. But they are insufficient to keep the wetlands going. There is also a small gun club on the south west corner of the lake which has some water rights, but they have been diminished in recent years by upstream diversions. For all intents and purposes this State Wildlife Management Area has been destroyed in efforts to provide more water to Walker Lake. This was an important wetland that provided for over 5,000,000 waterfowl use-days per year when it had water prior to the efforts on behalf of Walker Lake. The table below shows waterfowl numbers for just one fall migration period (1995) for ALWMA and this does not include the large numbers of shorebirds that used to use the area. The number of wetland acres should be included for this and the MVWMA. I06-25

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 7

Waterfowl Numbers form aerial surveys												
					1995-96							USE-DAYS
AREA-/- MONTH	AUG	SEPT(E)	SEPT(L)	OCT(E)	OCT(L)	NOV(E)	NOV(L)	DEC(E)	DEC(L)	JAN	
ALKALI LAKE WMA												
DUCKS	980	3,730	6,480	10,250	14,020	15,005	15,990	14,735	10,718	6,700	1,602,088
GEESE	8	179	350	340	330	305	280	490	495	500	57,200
SWAN	0	0	0	0	0	0	0	0	0	0	0
TOTAL	1,080	3,659	7,030	14,555	22,080	22,760	23,420	#####	14,913	8,900	2,237,893

4-6

Between the Wabuska gage and Weber Reservoir, the Walker River supports a broad riparian corridor with mostly mixed salt desert scrub outside the corridor.

The area above the Walker River delta at the north end of Weber res. Contains an extensive wetland complex. Prior ro the removal of some dead cottonwood trees, this was the site of one of the nesting ospreys in Nevada.

I would suggest that the FWS National Wetlands Inventory (NWI) in Portland be contacted to get a clear picture of the wetlands associated with the entire Walker River Basin Study Area. They will be able to provide information on all of the wetlands in this area and can provide a detailed classification of the wetlands present at the end of the 1980's along with detailed maps of the wetland resource.

I06-26

4-7

The WMA also has approximately 1,200 acres of agriculture farmed for wildlife habitat.

The amount and types of wetlands present on this area should be listed. This information for the MVWMA and ALWMA can be obtained for the NWI survey.

I06-27

4-7

The ditches and ponds are open water areas with a narrow band of wetland vegetation around the edges

The amount and types of wetlands that are maintained by Homestead Geothermal should be included in this section. Again the NWI can provide some of the numbers for this area, but there has been some wetland development with these waters since the survey was completed and the data needs to be updated.

I06-28

4-7

DEIS comments - Saake Page 8

Walker Lake

Walker Lake contains the most extensive stands of widgeon grass (Ruppia maritima) in the State and these stands have increase in size as the lake has receded. It is a high quality wildlife submergent food plant that thrives in highly saline water that can be up to several times higher that sea water. In some portions of the Lake, there are solid stands which extend up to ½ miles out from the shoreline. As the Lake has receded, the stands of this plant have been able to grow further out into the Lake as the Lake bottom gradient has become flatter. This plant is the reason that waterfowl numbers have increased so dramatically in recent years.

Throughout this section submergent plants have been left out of the discussion and because they are so important to wetland dependent wildlife they need to be included.

I06-29

4-10

Kochia (*Kochia scoparia*) and tumbleweed (*Salsola tragus*) are commonly found invasive weeds. Similar to noxious weeds, these species can reduce the quality of wildlife habitat, increase potential for fire and soil erosion, and reduce crop value and yield.

Kochia along with Bassia are desirable food plants for waterfowl and other wildlife species, especially when flooded. These are two of the species wildlife managers try and grow on moist soil wetland units to provide feed for migrating birds. The also provide some fair to good nesting cover and brood areas for aquatic invertebrates.

I06-30

4-10

The only areas expected to experience a loss of wetland or riparian vegetation as a result of the Proposed Project or other alternatives are along water conveyances that currently support wetland or riparian vegetation or within agricultural wetlands.

The ALWMA has already has already been lost in an effort to provide more water to Walker Lake. In the period from 1967 to 1979., the area had and average of 195 nesting pairs of ducks and had the ninth highest average nesting population in the State. In 1969 and 1970, the number of nesting pairs of ducks was more than 400 nesting pairs. The area also provided for several million waterfowl use-days annually and was a very important shorebird nesting and migration area. All this has been permanently lost.

I06-31

4-12

cause substantial loss of natural vegetation that is slow to recover;
cause substantial loss of diversity of species or natural communities

Wetland loses that have ad will occur in the Walker River Basin will be long term and in most

I06-32

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 9

cases permanent. In some cases there are few and in some cases no other species of plants that will grow on these areas such as Alkali Lake. In addition there will permanent lose of the wildlife resources that depended on these areas. In addition, the raising of the level of Walker Lake will reduce widgeon grass production and result in low waterfowl numbers. Smaller wetland communities will be lost as a result of this program, which goes against the governments "no net Loss of wetland" stance. I06-32 con't

4-13

Under the No Action Alternative, no additional water would accrue to the Walker River to flow to Walker Lake, and lake area and elevation would continue to decline and recede from wetlands at the south end of the lake. Erosion of the area along Walker River below Schurz would continue, causing wetland and riparian communities to decline further.

At what level is Walker Lake expected to stabilize under the "No Action" alternative? Walker Lake is becoming one big wetland and the loss of the emergent wetlands at the S. end of the Lake may not occur as the Lake goes down because they are maintained mainly by spring flows and not Lake levels. The amount of submergent wetland vegetation in the Lake is expected to increase as the Lake recedes which is a positive thing. I assume that at some point this may swing the other way, but some more decline in Lake levels is expected to increase both wetland vegetation and wildlife use. The raising of the Lake would have more negative impacts on both waterfowl and wetland vegetation. I06-33

4-13

Because no direct disturbance is proposed under this alternative, no direct impact on vegetation and wetlands attributable to acquisitions of land or water rights is anticipated.

How can you say this, when significant loses have already occurred to wetlands in this Basin and as more water is confined to River channel, more wetlands will be lost. Many small wetlands have to disappear with the removal of water. I06-34

Acquisitions of irrigated agricultural land adjacent to Alkali Lake WMA would result in the reduction of water delivery to the area and subsequent reduction of tail-water that reaches Alkali Lake. The reduction of playa wetland habitat supported by this water source would be an adverse impact.

Read this statement as the State Wildlife Management Area on alkali Lake would be completely and permanently lost. I06-35

4-14

The loss of water transport could (*would)* cause the loss of riparian and wetland habitat in and I06-36

DEIS comments - Saake Page 10 I06-36 con't

adjacent to the existing irrigation canals and drains.

Because the area is subject to the seasonal and annual variation of inflow to the lake, it is not a stable feature.

You need to clarify that these wetlands are a result of spring outflow and not Lake levels.

4-15

The higher lake elevation would then inundate wetland habitat at the southeast lake edge.

Again the wetlands at the south end of the Lake are not the important wetlands at Walker Lake, it is those portions of the Lake which are less than 5 feet deep around the lake that produce significant amounts of submergent wetland vegetation that is also a very important waterfowl food plant. This could never be by the minuscule amount of wetland vegetation that MIGHT develop along the Walker River. The wetland at the south end of the lake would probably not reestablish if the lake levels raised above them because the springs that create them would just be under water. I06-37

Although wetland communities are generally rare, the loss of artificially created wetlands dominated by nonnative species would be of less concern than loss of natural wetlands.

What many people fail to realize is that these created wetlands have helped to offset to losses of natural wetlands that occurred with the coming of agricultural irrigation. In other words, as wetlands were dried to provide irrigation water the wetlands move to where the water was now being used. Not a great a value, but at least still some wetlands. Now if the water is remove they have truly been destroyed. I06-38

4-16

In the Walker River downstream of Schurz, increased flows to Walker Lake would help establish and sustain riparian and wetland vegetation, which, depending on the actual flows that result, may help to stabilize the lower portion of the Walker River and reduce erosion in that area.

Increase flows may actually increase the amount of erosion cutting and force the river channel even lower and not result in any appreciable riparian or wetland vegetation. I06-39

5-11

If river inflow to the lake is increased by an average of 50,000 af/yr, lake surface elevation would increase and TDS concentration would be expected to be between 12,400 mg/l and 13,500 mg/l by the year **2200**. I06-40

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 11

Are we really talking about taking 200 years of full 50,000 af/yr to get the TDS in the Lake to where cutthroat trout will flourish? We have been buying water rights for the Lahontan Valley wetlands for over 20 years and the amount of water we can acquire each year becomes more difficult and we still have not reach 50% of what the EIS identified as being needed. What happens if the government is not able to get more that 25,000 af/yr? I06-40 con't

5-15
Under Alternative 2, the reconnecting of Walker Lake to Walker River would allow passage of LCT to possible spawning habitat. This would be a beneficial impact, but temporary.

Has there ever been any documentation of significant LCT spawning below Weber Reservoir? I06-41

6-3
Birds.

It is really not important, but I have observed black brant, surf and white-winged scoters, and old squaws at Walker Lake on several occasions. I06-42

6-12
During the fall, migratory birds use Walker Lake for food and rest during their southward migration.
During several period of the migration period, Walker Lake has the highest waterfowl numbers in the entire State of Nevada and its importance to waterfowl has been increasing as the lake recedes. I have monthly count figures for the Lake that go back to the mid-1960's. I06-43

6-14
Walker Lake

These two paragraphs seem out of place and may need another heading, it just doesn't seem to fit here. I06-44

Alkali Lake Wildlife Management Area

It might be worthwhile elaborating a little more on the wildlife values of this area and the MVWMA to give readers a little more feel the values associated with these wetlands - what levels of bird use is there, what are the main nesting and migrating bird species, any special wildlife values associated with each area and recreational pursuits. I06-45

6-23
Walker Lake provides important feeding grounds for migratory birds that feed on fish, such as special-status common loon and American white pelican.

Currently Walker Lake is one of the most important and consistent waterfowl feeding areas in I06-46

DEIS comments - Saake Page 12

Nevada and will continue to be so or improve under current conditions. Why was this left out of this statement? I06-46 con't

No direct impact on wildlife species is anticipated as a result of the Proposed Project.

Yes there would significant impact on wetland dependent species that use Walker Lake and wetlands associated with the Basin. I06-47

6-24
The wetland at the southern end of Walker Lake also would reestablish naturally at the new lake elevation.

No the wetlands on the south end of the lake would not reestablish themselves as the Lake rises because they are not a function of the lake but are created from spring flows that would discharge under the surface of the Lake - these wetlands would be lost. Will you change this statement? I06-48

You list impacts to birds that feed on fish in Walker lake under Impact Wild-3 but you do not list the impacts to birds that feed on the extensive widgeon grass beds in Walker Lake. As mentioned earlier, this is one of the most important waterfowl feeding areas in the State. Will you correct this and identify the negative impacts to these birds? I06-49

In the river reach downstream of Schurz, increased inflow to Walker Lake would help establish and sustain riparian and wetland vegetation.

Because of the extensive river cutting that has taken place below Shurz, it is doubtful that and significant amount of wetland vegetation will occur in this area. The river channel here will be more like a deep confined ditch which does not produce wetlands. The benefits to wildlife, especially waterfowl would be infinitesimal compared to the losses at Walker Lake itself. I06-50

Therefore, the Proposed Project would have only a minor impact on riparian or wetland habitat associated with irrigation features and would therefore have a minor impact on wildlife species that are associated with these habitats along irrigation canals and drains.

Most of the wetlands in Walker River drainage are associated with the irrigation and many of these will be lost. ALWMA has already been lost as a result of some of these changes to benefit Walker Lake. I06-51

Under Wild-7, why do you not list the loss of feeding and nesting habitat on the ALWMA for waterfowl and why do you not give numbers of birds that will be affected. Waterfowl population numbers, use-days, and breeding population figures are available - why are they not listed to quantify the degree of loss? I06-52

Comment Letter I06 Continued (Norm Saake, October 1, 2009

DEIS comments - Saake Page 13

6-25
No direct impacts on wildlife species are anticipated as a result of Alternative 2.

Yes there would be impacts, because wetlands and the wildlife that depends on them would be lost during the lease period and would in all likelihood not recover once the leases were up.

I06-53

Impact WILD-7: Loss of Foraging Habitat for Shorebirds and Wading Birds at Alkali Lake WMA as a Result of Water Acquisitions in Smith Valley (Adverse Impact)
The following impacts would be the same as Alternative 1 but temporary.

I disagree because, once these areas are lost for a period of time there is very little likelihood that they will ever recover so the losses would be permanent. Agricultural practices that maintained this area will and have changed to the point that this State wildlife area will be permanently lost. Also why are just shore and wading birds listed when the area was a very important waterfowl area? If the area is lost to waterfowl, these birds will not exist there either.

I06-54

6-27
Efficiency measures in Smith Valley could still deprive Alkali Lake WMA of tail-water inflow.

You need to change "could" to "will" or restated that it has already had serious detrimental effects on this area.

I06-55

The impacts on bird species that feed on these fish would be the same as for the No Action Alternative.

The DEIS needs to mention that Alternative 3 may have the greatest benefit for waterfowl of all the choices, because it would allow the lake to slowly receded and thus maintain or improve widgeon grass beds in the Lake. For the benefit of waterfowl and to make up for some of the previous wetland losses in Nevada an alternative that provides between 7,000 and 20,000 af/yr would be the most beneficial. This would allow the Lake to slowly decline, which intern would increase the amount of shallower water levels that will increase the amount of widgeon grass that is produced. Why are the waterfowl values of Walker Lake minimized in this document when they are so important?

I06-56

Response to Comments of Letter I06 (Norm Saake, October 1, 2009)

I06-1

Comment acknowledged. The Revised DEIS, including all comments, will be provided to NFWF, which has the authority by law to administer the Acquisition Program.

I06-2

The Revised DEIS adequately addresses the importance of wetlands and migratory waterfowl. In Revised DEIS Chapter 6, Biological Resources—Wildlife, Table 6-1 lists the birds that use lake and wetland habitat. The importance of Walker Lake for waterfowl is also discussed in this chapter.

I06-3

The specificity of these data is inappropriate for the qualitative level analysis required for this Revised DEIS. A qualitative analysis was conducted because of the large scale of this Acquisition Program and the myriad of assumptions (outlined in Chapter 2) that are required at this point in the process. It would be speculative to quantify impacts because the precise response of the system and various habitat types to the changes in hydrology as a result of the action alternatives is not known.

I06-4

Although the level of detail suggested would be inappropriate for this analysis, two impacts have been added to the Revised DEIS to describe possible effects on wetlands and dabbling waterfowl (see Impact WILD-8 and Impact VEG-4). It is important to note, however, that changes to wetlands are expected to occur gradually, allowing the habitats and species to adjust.

I06-5

Comment acknowledged. Loss is significant but unrelated to the Acquisition Program.

I06-6

The Purpose and Need of the Acquisition Program complies with public laws directing the provision of water to Walker Lake. As noted in Response to Comment I06-4, changes to wetlands are expected to occur gradually, allowing the habitats and species time to adjust. Also see Impact WILD-8 and Impact VEG-4.

I06-7

Comment acknowledged.

I06-8

The attached comments are addressed in the responses that follow.

I06-9

If TDS concentration continues to increase in the lake, at some point the lake will become too saline for widgeon grass. If this happens and the widgeon grass dies off, the lake will no longer provide foraging habitat for waterfowl and coots (Desert Research Institute and Nevada System of Higher Education 2009).

I06-10

The name has been changed to Alkali Lake.

I06-11

The purpose of the Acquisition Program is to restore the lake; this would include for the benefit of federally listed LCT, and the predators and prey of LCT. Therefore, the Revised DEIS focused on pisciverous birds.

I06-12

We are not aware of any DRI studies aimed specifically at the ecological and economic aspects of increased waterfowl usage. However, one study did note that the large algae blooms (associated with the decrease in lake-volume-to-benthic-surface-area ratio) will have detrimental effects on both recreation and waterfowl (Desert Research Institute and Nevada System of Higher Education 2009).

I06-13

See Standard Response 8, Measurement and Enforcement; and Standard Response 5, No Mitigation in EIS. The University's role under the Acquisition Program will be to support through associated research, modeling, monitoring and evaluation.

I06-14

This program is under the administration of the USFWS. Decisions regarding their program should be directed to Lisa Heki of the Reno Office.

I06-15

Impacts on existing wetlands resulting from curtailed irrigation are discussed in Chapter 4, Biological Resources—Fish and Wildlife (Impacts VEG-1 through VEG-4).

I06-16

The details of operations at Weber Reservoir have not been developed for the Revised DEIS. While Reclamation will not be involved in the operations plan agreement, Chapter 2, Alternatives, describes the entities that would be involved in developing that agreement. Ideally, future operations at the reservoir would take these wetlands into consideration. Regardless of operations at Weber Reservoir, increased river flow resulting from the Acquisition Program is expected to benefit these wetlands.

I06-17

The goal would be to keep reduction of irrigated lands to less than 33% in each valley. The actual number of acres corresponding to 33% depends on the amount of irrigated land in each valley, with Mason Valley acreage being greater than Smith Valley acreage, which is greater than East Walker acreage. Also see Chapter 2, Alternatives, under the heading Geographic Distribution of Acquisitions.

I06-18

Comment acknowledged and provided to the NFWF, which is administering the Acquisition Program, for their consideration.

I06-19

Comment acknowledged.

I06-20

The degradation of habitat at Alkali Lake WMA has not been a result of transfer of water to Walker Lake as no water has been transferred to Walker Lake except for downstream temporary transfers from the Mason Valley WMA and from fallowing by WRPT. The change in habitat has been a result of greater conservation of agricultural water and a decrease in tailwater flowing into the WMA. Riparian and wetland acres supported by irrigation (listed on page 3-26 of the

DEIS) were derived from a study by DRI (2006). (See Acreage of Irrigated Land and Riparian/Wetland Vegetation and Acreage of Riverine Vegetation in the Revised DEIS.) The DRI study was based on data collected during 6 years between 1986 and 2002. Data from some of these years may have included wetlands at Alkali Lake that have been lost.

I06-21

Fish have been tested for mercury and high levels have been reported (Wiemeyer 2002, Las Vegas Sun 1999).

I06-22

NDOW is a Cooperating Agency and provided extensive reviews and information for development of the DEIS. Reclamation recognizes your significant experience and expertise and appreciates the extensive review and comments you provided on the DEIS. Many revisions have been made to the Revised DEIS based on information you provided.

I06-23

Additional information on the wetlands at Homestretch Geothermal have been added Chapters 4, Biological Resources—Vegetation; and Chapter 5, Biological Resources—Fish. In addition, some ponds are used for cultivating algae at Homestretch Geothermal. It is expected that there is submergent vegetation in these wetlands and the text has been revised. Water quality from Homestretch Geothermal is discussed briefly on pages 3-35 and 3-66 of the DEIS, and will be covered in more detail in the Homestretch Geothermal Environmental Assessment and NPDES permitting process.

I06-24

Please note that *Schoenoplectus acutus* is the new name for *Scirpus acutus*, so *Scirpus acutus* is included in the discussion under the new name. Sago pondweed and widgeon grass could occur in irrigation canals if they contain permanent flow, but these species are more appropriate to discuss in the context of permanent waters.

I06-25

The description of Alkali Lake was revised. Elmer Bull notes that the unfortunate decreases in water supply to the lake have been primarily caused by reduced agricultural runoff. The statement that refers to the lake only being dry in dry years was modified, so that the area is described as usually becoming dry in summer. The wetland acreage for specific areas has not been included because it would be too specific for the level of analysis required for the Acquisition Program. Please see the Response to Comment I06-3, above.

I06-26

While the NWI maps are available for viewing on line, these data were not used for two reasons. First, the data are relatively old and not necessarily representative of the current conditions. Second, the specific level of detail the maps provide is beyond the scope of the qualitative analysis required in this document. Please see the Response to Comment I06-3, above.

I06-27

Please see the Response to Comment I04-6, above.

I06-28

Please see the Response to Comment I04-6, above.

I06-29

A description of the widgeon grass in Walker Lake has been added to the description of the lake.

I06-30

Comment acknowledged. As part of the botanical discussion in the Revised DEIS, these plants must be classified as invasive species, but the text has been revised to acknowledge their value as feed for wildlife. The context of the discussion of these plants was for agricultural lands taken out of cultivation and lacking land management.

I06-31

Comment acknowledged. The context of this discussion is to describe how program impacts were analyzed. Program impacts are based on current conditions. Also see Response to Comment 106-20.

I06-32

Comment acknowledged. This list of criteria is to identify the thresholds for adverse impacts of the Acquisition Program and is not intended as an analysis of current conditions.

I06-33

Lake elevation is discussed in DEIS Chapter 3, page 55. The discussion of wetland impacts resulting from the presence of springs was clarified. Text was added to indicate that submergent vegetation could increase in lake, but high salinity levels would ultimately prevent the continued presence of widgeon grass.

I06-34

The impact referenced in this comment is a discussion under direct impacts on wetlands. The impact of concern is documented in the Indirect impacts (VEG-1 through Veg-5) and show the Acquisition Program will result in a loss of wetlands.

I06-35

Comment acknowledged. Impact VEG-1 was revised to note that the playa wetland could be eradicated. NFWF will be provided this information for consideration in selecting acquisitions.

I06-36

The text was revised with information about spring-fed water resources. The impact already states that the wetlands are primarily spring-fed and are not dependent on lake elevations.

I06-37

A new impact has been added in the Revised DEIS, Chapter 4, Biological Resources—Vegetation to address the submergent wetlands in Walker Lake.

I06-38

Comment acknowledged and the importance of all wetlands is recognized. The Revised DEIS must address existing conditions. The text describes this as a minor impact because the artificially created wetlands in agricultural land are less likely to support native plant species and would have variable hydrology compared to natural wetlands.

I06-39

We agree that erosion is a concern (see Impact WI-3). Increased flows could cause more erosion. However, the increases in flow are not expected to exceed the flows of high flow events (see Impact WI-4). Flow augmentation under the Acquisition Program is not likely to uproot trees and it probably would help vegetation growth in areas that are currently too dry (e.g., downstream of Schurz). If flow augmentation is ever scheduled to occur in pulses (see Response to Comment O01- 14), then erosion could become even more of a concern.

I06-40

It will take less than 200 years to reduce TDS concentration. Table 3-19 shows the estimated TDS concentrations at their low point and at year 2200 for each alternative. After the TDS low point is reached, TDS concentration is expected to increase gradually as a result of continued TDS load into the lake. See also Standard Response 14, TDS.

I06-41

LCT are not documented as spawning anywhere on the mainstem Walker River.

I06-42

Comment acknowledged.

I06-43

Comment acknowledged and text revised for clarity.

I06-44

Text revised for clarity.

I06-45

Text revised to elaborate on the importance of the Alkali Lake WMA and wetlands to birds.

I06-46

See Response to Comment I06-46.

I06-47

Comment acknowledged. There would be impacts to wetland-dependent species, and these impacts are described under the indirect impact discussion.

I06-48

Text revised to indicate that the wetland would be partially inundated.

I06-49

Although the level of detail suggested is beyond the qualitative analysis of the Revised DEIS, two impacts have been added to the Revised DEIS to describe possible effects on wetlands and dabbling waterfowl (see Impact WILD-8 and Impact VEG-4). It is important to note, however, that changes to wetlands are expected to occur gradually, allowing the habitats and species time to adjust.

I06-50

There would be opportunity for vegetation to reestablish in the shallows and restoration work is ongoing in this area by the USFWS and WRPT.

I06-51

The loss of water to Alkali Lake WMA is not a result of diversion to Walker Lake but from water conservation measures on irrigated lands and decreased precipitation. Please see Response to Comment I06-20.

I06-52

Impact WILD-7 discusses the fact that feeding and nesting habitat for shorebirds, wading birds, and waterfowl has already been severely affected by existing conditions.

I06-53

There would be impacts on wildlife species, as described under the indirect impact discussion.

I06-54

The degradation of habitat at Alkali Lake WMA has not been a result of transfer of water to the lake. The change in habitat has been a result of decreased precipitation and greater conservation of agricultural water and a decrease in tailwater flowing into the WMA.

I06-55

Text has been revised.

I06-56

Lake elevations would not continue to decrease under Alternative 3. Lake elevations are projected to rise 13 feet by 2200 from 2007 levels. However, widgeon grass is expected to persist at higher lake elevations because water conditions (i.e., salinity range and depth) would still be suitable (Dineen 2001).

Comment Letter I07 (Tom Reviglio, October 8, 2009)

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BUREAU OF RECLAMATION
Lahontan Basin Area Office

Letter I-07

October, 8, 2009

Subject: Input regarding the Walker River Basin Acquisition Program Environmental Impact Statement

Why not get your priorities put in place first. Look at Wabuska Gage and Walker Lake.

In 2003 the Dynamic Action on Wells Group (D.A.W.G.) issues a press release entitled "Do the Math", referring to unaccounted for water losses along Walker River between Wabuska Gage and Walker Lake. The key figures cited were: I07-1

* 125,000 acre-feet/year (AF/Y) = average Walker River flow at Wabuska gage
* 70,000 AF/Y Walker River flow into Walker Lake
* 9,500 AF/Y allocated to Walker River Paiute Tribe
* 45,500 AF/Y unaccounted for

The Paiute Tribe water rights were decreed by C125 at 23.5 CFS at the Wabuska gage, which is equivalent to 9,500 AF/Y. The source for these River flow rates is the USGS from their gaging station on the Walker River located near Wabuska at Walker Gap. The most concise published summary for these figures is the 1995 USGS fact sheet FS-115-95 by Jim Thomas (Thomas, 1995). This fact sheet lists 128,000 AF/Y for average flow past Wabuska gage based on the 1939-1993 period of record (Table 1), and he cites a value for Walker Lake average inflow of 76,000 AF/Y from Walker River (Page 3, column 1). Slightly different values can be obtained depending on the period of record used. Based on Thomas' figures, the consumptive use of evapotranspiration losses along Walker River from Wabuska Gage to Walker Lake are: I07-2

* 128,000 acre-feet/year (AF/Y) = average Walker River flow at Wabuska gage
* 76,000 AF/Y Walker River flow into Walker Lake
* 9,500 AF/Y allocated to Walker River Paiute Tribe
* 42,500 AF/Y unaccounted for

Tom Reviglio

Enc: "Do the Math"
"U.S. Geological Survey Walker Lake"
"Aerial pictures 1954, 1956, 1956"
"Aerial pictures 2000

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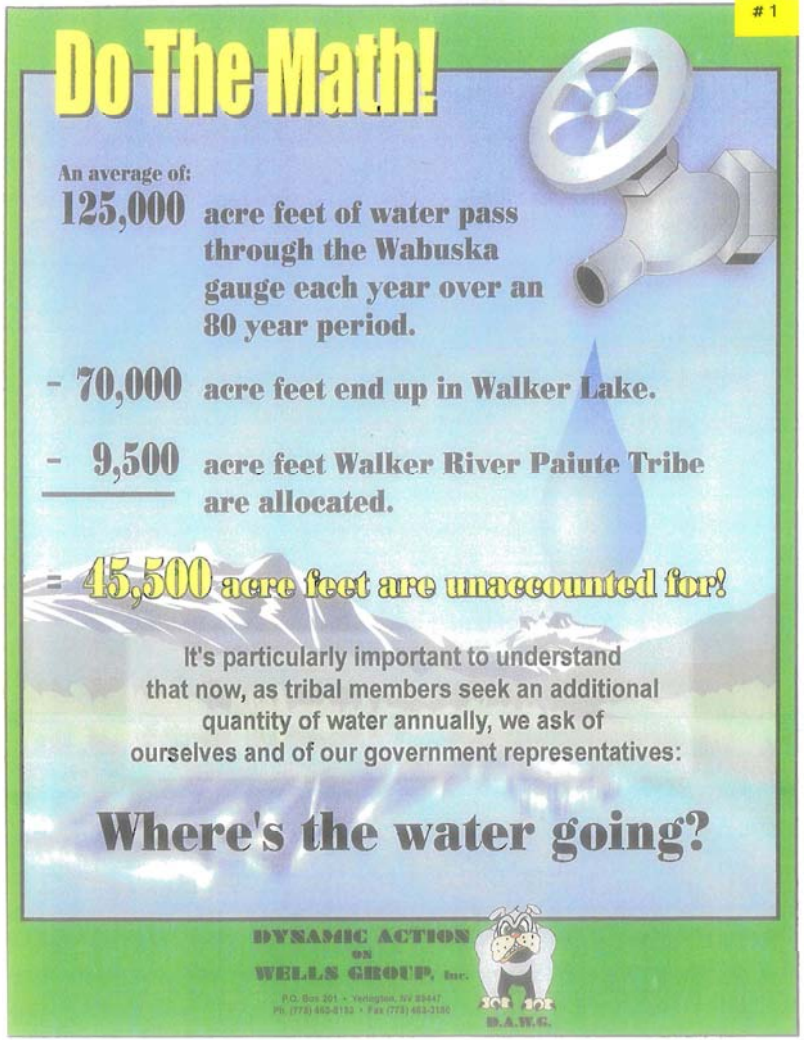


Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)

#2

U.S. Geological Survey
Fact Sheet FS-115-95

Water Budget and Salinity of Walker Lake, Western Nevada

Walker Lake (fig. 1) is one of the rare perennial, terminal lakes in the Great Basin of the western United States. The lake is the terminus for all surface-water and ground-water flow in the Walker River Basin Hydrographic Region (fig. 2) that is not consumed by evaporation, sublimation, or transpiration.

The concentration of dissolved solids (salts) in the lake and the lake-surface altitude fluctuate primarily in response to the amounts of water entering and evaporating from the lake. Because Walker Lake is a terminal sink—it has no documented surface- or ground-water outflow—dissolved solids that enter it accumulate as the lake water evaporates. Declining lake levels, owing to natural and anthropogenic processes, bave resulted in most Great Basin terminal lakes being too saline to support fish. In Nevada, the only terminal lakes that contain fish are Pyramid Lake, Ruby Lake, and Walker Lake. Dissolved-solids concentration in Walker Lake increased from about 2,500 milligrams per liter (mg/L) in 1882 (Russell, 1885, p. 70) to 13,300 mg/L in July 1994 (U.S. Geological Survey analysis), as the lake-surface altitude declined from about 4,080 to 3,944 feet (ft) above sea level (fig. 3). This dramatic increase in dissolved-solids concentration threatens the Walker Lake ecosystem and the fish that depend on this ecosystem.

Streamflow in Walker River Basin

In most years, Walker River is the primary source of water for Walker Lake. Flow in the river is mainly from precipitation in the eastern Sierra Nevada of California. Streamflow from the Sierra Nevada has averaged 327,000 acre-feet per year (acre-ft/yr) for 55 years, 1939-93 (table 1 and fig. 2, total for sites 1 and 5).

All flow data in table 1 are adjusted to the 55-year period of continuous record (1939-93) at site 4 (fig. 2), because, although this site does not have the longest streamflow record, no upstream reservoirs or irrigation diversions exist and streamflow has been measured continuously at the site since 1939. Long-term average annual flows were estimated by comparing the average annual flow at a stream-gaging station with the average annual flow at site 4 for years of concurrent record. Then, this partial record was adjusted to a long-term average using the 55-year average at site 4.

Streamflow is measured approximately where the principal streams enter and exit each valley (fig. 2). Little ground water flows between valleys, so the difference between streamflow entering and exiting a valley can be used to estimate the consumption of surface water in the valley (table 2). Streamflow is consumed by evaporation and transpiration from irrigated crops and pasture land, natural vegetation, and water surfaces. River water also recharges ground-water aquifers.

In some valleys, local streams also contribute surface-water flow. Thus, estimates of surface-water consumption in table 2 are minimum values, because local streamflow in valleys may not have been measured. In Smith Valley, 8,700 acre-ft/yr of Desert Creek flow has been included in the water budget. In Antelope Valley, the contribution from Mill and Slinkard Creeks is unknown, so the difference of 15,000 acre-ft between average inflow and outflow underestimates total surface-water consumption.

Water Budget for Walker Lake

Walker Lake volume decreased from 8,660,000 acre-ft in 1908 to 2,060,000 acre-ft in 1994—an average 76,000 acre-ft/yr. Walker Lake lost an average of 59,000 acre-ft/yr during 1939-93—less than during 1908-94 mainly because of decreasing lake-surface area.

The average annual volume of water entering Walker Lake from Walker River during 1939-93 was estimated to be

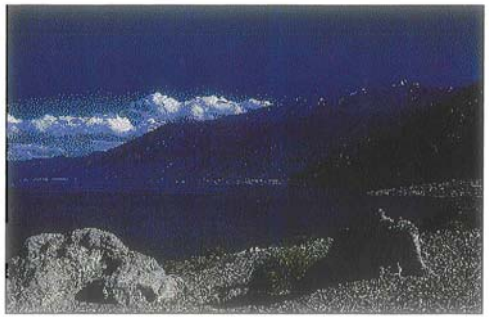
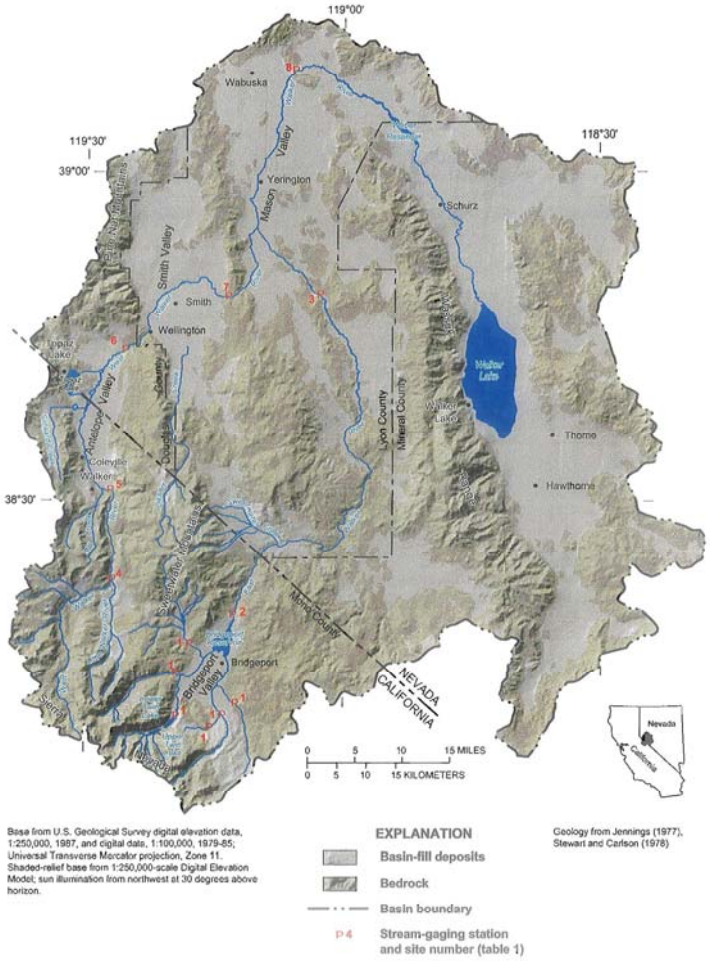


Figure 1. Walker Lake, June 1971; southward view from west shore; lake-surface altitude, 3,974 feet (30 feet above level of July 1994). Photograph by Steve Van Denburgh, U.S. Geological Survey.



Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)

Table 1. Average annual flow for gaging stations on principal streams, 1939-93

[Data from U.S. Geological Survey. Averages for sites 1-3 and 5-8 are partly estimated on basis of complete 1939-93 record for site 4 (see text); all averages are rounded to nearest 1,000 acre-feet]

Site No. (fig. 2)	Site description	Average annual flow, 1939-93 (acre-feet)	Period of full-year record
1	Total of all streams flowing into Bridgeport Valley	132,000	1934-74
2	East Walker River below Bridgeport Reservoir	107,000	1923, 1926-93
3	East Walker River above Strawberry Ditch	165,000	1948-77
4	West Walker River below Little Walker River	185,000	1939-93
5	West Walker River near Coleville	195,000	1916-36, 1938-93
6	West Walker River at Hoye Bridge	180,000	1921, 1926-28, 1938-93
7	West Walker River near Hudson	133,000	1915-23, 1938-77
8	Walker River near Wabuska	128,000	1903-04, 1921-22, 1926-34, 1939-40, 1944-52, 1990-93

EST. LAKE INTAKE

WABUSKA <<GAGE DISCHARGE

76,000 acre-ft. This estimate was obtained by using an average lake area of 40,600 acres for 1939-93; an evaporation rate of 4.1 feet per year (ft/yr; Koch and others, 1979, p. 48), which yields 166,000 acre-ft/yr of evaporation; and a precipitation rate for Walker Lake of 4.9 inches per year (in/yr) [average precipitation at Hawthorne, Schurz, and Thorne, 1939-93 (National Weather Service data), adjusted to the 44 years of record at Hawthorne], which gives 17,000 acre-ft/yr of direct lake-surface precipitation; local surface-water inflow of 3,000 acre-ft/yr (Everett and Rush, 1967, p. 26; Rush, 1970; Boyle Engineering Corporation, 1976, table 4.2); and ground-water inflow of 11,000 acre-ft/yr (Schaefer, 1980, p. 31), which is primarily recharge from Walker River. The flow of 76,000 acre-ft is less than the 85,000 acre-ft estimated by Rush (1970) for 1919-65 and greater than the 69,600 acre-ft estimated by Schaefer (1980, p. 32) for 1903-77.

On the basis of streamflow data for 1939-93, an average 52,000 acre-ft of Walker River water was consumed annually between the Wabuska gaging station and Walker Lake. River water was consumed by evaporation from the river surface and Weber Reservoir, evapotranspiration from natural vegetation and irrigated lands, and recharge to ground water.

Table 2. Surface water consumed within valleys for average annual streamflows, 1939-93.

[Acre-feet per year, rounded]

Valley	Inflow	Outflow	Consumed
Bridgeport	132,000	107,000	25,000
Antelope	195,000	180,000	15,000
Smith	189,000	133,000	56,000
Mason	238,000	126,000	116,000

A water budget for Walker Lake using the estimated average annual 55-year flow of Walker River into Walker Lake, ground-water inflow, and local surface-water inflow, combined with estimates of average annual precipitation and evaporation for the July 1994 lake-surface altitude of 3,944 ft (area of 33,300 acres) is presented in table 3. The water budget shows that, assuming hydrologic conditions remain the same as 1939-93, about 33,000 acre-ft/yr of water in excess of the long-term average is needed to maintain the 1994 lake-surface altitude.

Lake Salinity

The dissolved-solids concentration of Walker Lake changes primarily in response to changes in lake volume that result from fluctuating lake-surface altitude (fig. 3). Dissolved solids in Walker River, local surface-water inflow, ground-water inflow, and precipitation falling on the lake, salts carried into the lake by wind, and salts moving upward into the lake from lake-bottom sediments add to the dissolved-solids content of the lake. However, because evaporation removes water and leaves dissolved solids, the dominant control on lake dissolved-solids concentration is the amount of water in the lake. This is indicated for Walker Lake by the close correspondence between changes in dissolved-solids concentration and changing lake-surface altitude (fig. 3).

To maintain the dissolved-solids concentration at the current (July 1994) level of 13,300 mg/L, about 33,000 acre-ft/yr more water than the long-term average is needed (table 3). To reduce the 1994 dissolved-solids concentration to 10,000 mg/L, the lake-surface altitude would need to be raised approximately 20 ft—to 3,964 ft—which is equivalent to about 700,000 acre-ft of water. Then, to maintain this lake level, an additional 47,000 acre-ft/yr more water than the long-term average would be needed, assuming 1939-93 hydrologic conditions.

An estimated average 66,000 tons of dissolved solids have been added to Walker Lake annually between 1882 and 1994. Thus, even with a stable lake-surface altitude, dissolved-solids concentration will slowly increase because Walker Lake is a terminal sink.

Table 3. Walker Lake water budget for long-term average annual surface-water inflow, ground-water inflow, and lake-surface precipitation and evaporation rates, and for lake-surface area as of July 1994

[Acre-feet per year, rounded]

Budget component	Estimated quantity
Inflow	
Walker River	76,000
Local surface water	3,000
Ground water	11,000
Precipitation (4.9 in/yr)	14,000
Total	104,000
Outflow	
Evaporation (4.1 ft/yr)	137,000
Difference	-33,000

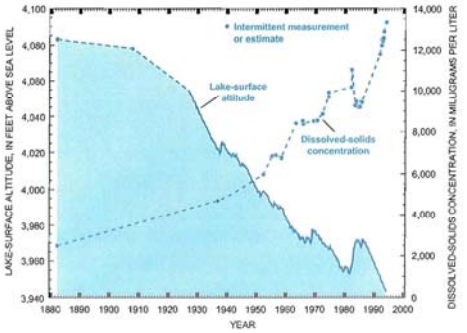


Figure 3. Dissolved-solids concentrations and lake-surface altitudes for Walker Lake, 1882-1994. Dissolved-solids data are from Russell (1885, p. 70), Benson and Spencer (1983, p. 35), Nevada Department of Environmental Protection, Desert Research Institute, and U.S. Geological Survey WATSTORE data base. Lake-altitude data are from Rush (1970) and U.S. Geological Survey WATSTORE data base.

In 1994, Walker Lake contained an estimated 37,000,000 tons of dissolved solids.

Walker Lake has gone dry several times during the last 10,000 years (Benson, 1988, p. 1; Larry Benson, U.S. Geological Survey, oral commun., 1994), in response to changes in climatic and hydrologic conditions. Thus, current conditions in the Walker Lake basin may not persist in the future, as demonstrated by the past.

—James M. Thomas

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Stewart, J.H., and Carlson, J.E., comps., 1978, Geologic map of Nevada: U.S. Geological Survey, scale 1:500,000.

Additional data can be obtained from:

Public Information Assistant
U.S. Geological Survey
333 W. Nye Lane, Room 203
Carson City, NV 89706
(702) 887-7600, ext. 7649
mfogle@dnvcrs.wr.usgs.gov

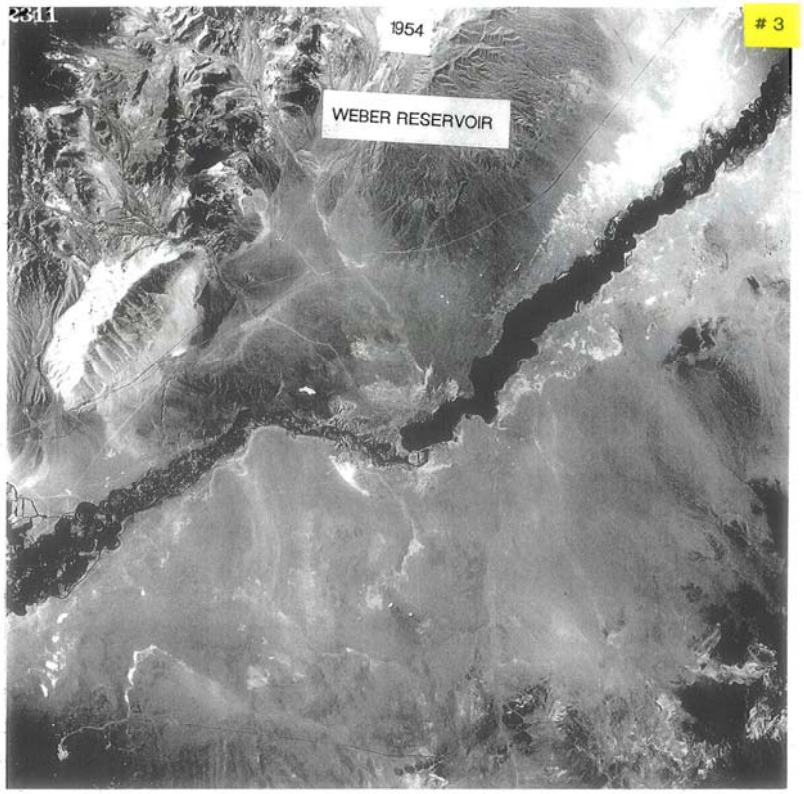
Additional project information is available from:

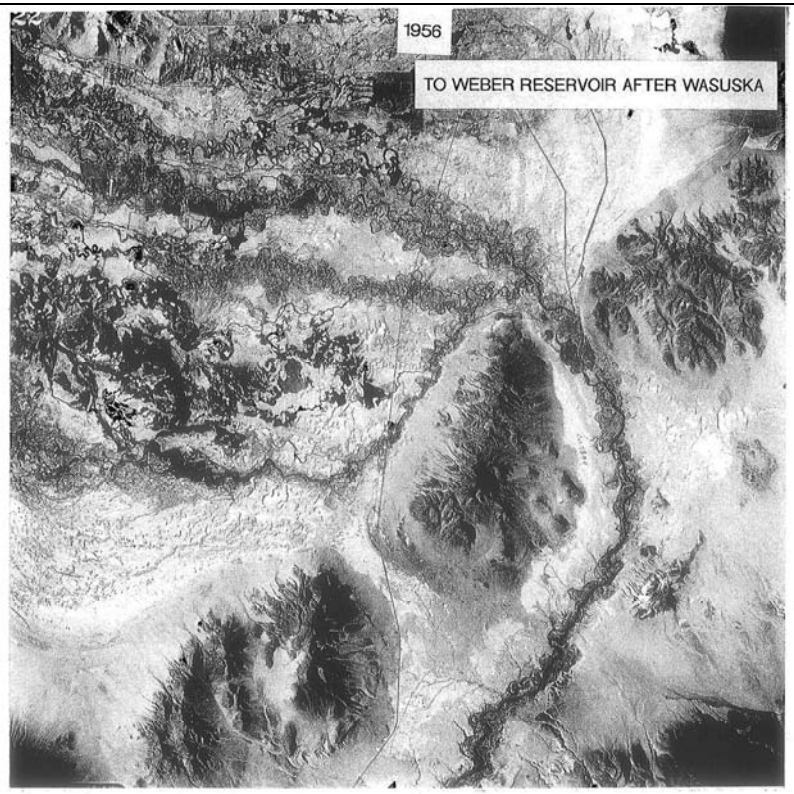
James M. Thomas
U.S. Geological Survey
333 W. Nye Lane
Carson City, NV 89706
(702) 887-7600, ext. 7648
jmthomas@dnvcrs.wr.usgs.gov

Prepared in cooperation with the Walker River Paiute Tribe

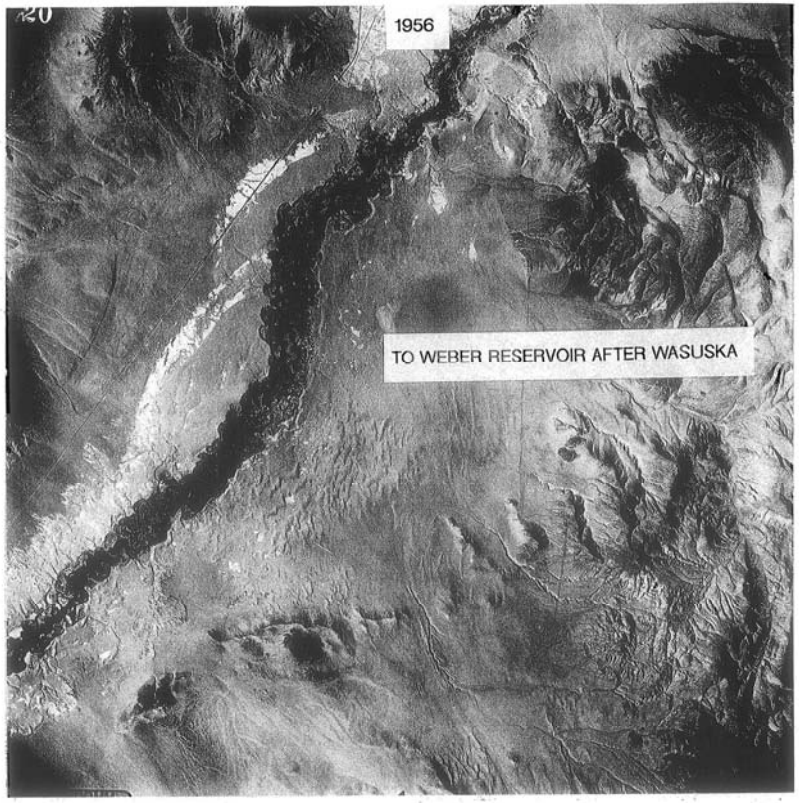
U.S. Department of the Interior
U.S. Geological Survey
April 1995 Fact Sheet FS-115-95

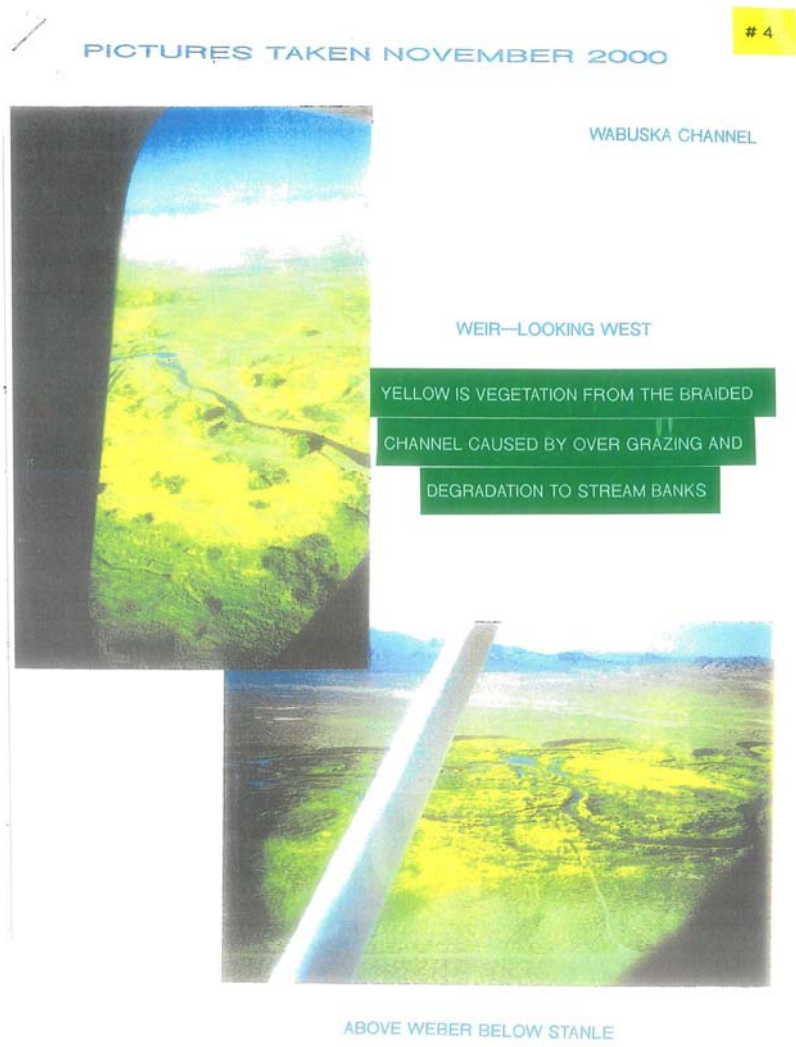
Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)



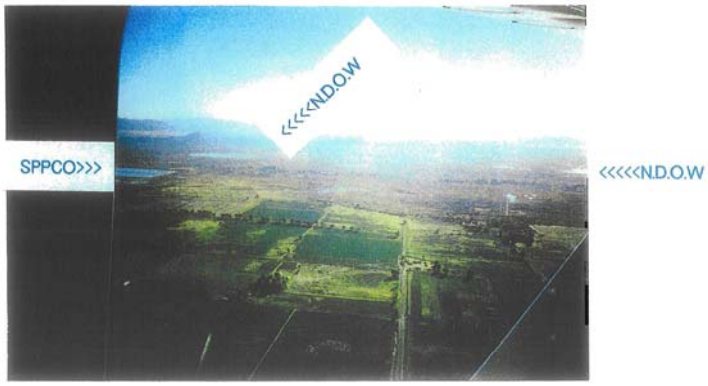


Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)



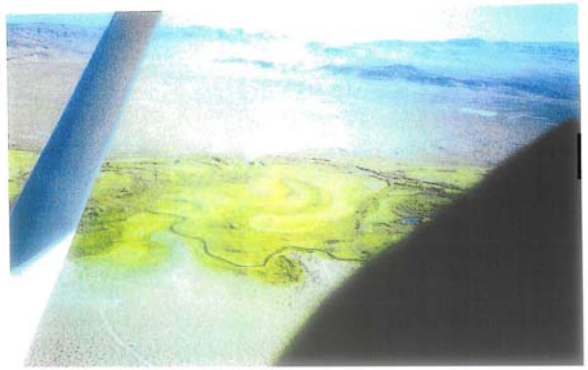


Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)



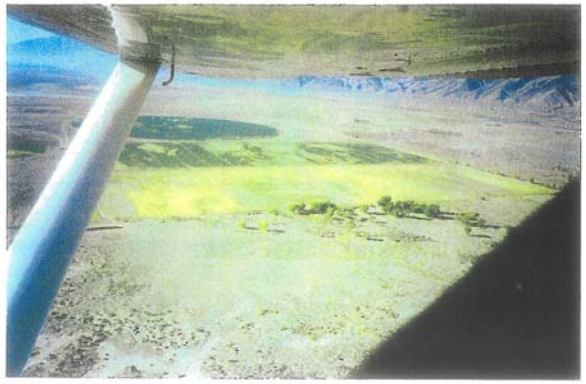
WABUSKA

ABOVE WEBER BELOW STANLEY



Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)

ABOVE WEBER RESERVOIR

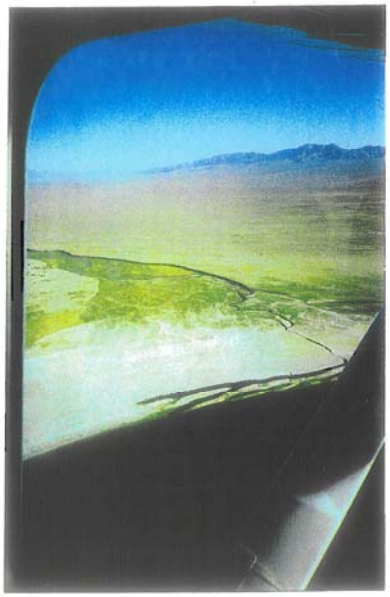


TRIBAL LAND—SCHURZ

WEBER RESERVOIR

Comment Letter I07 Continued (Tom Reviglio, October 8, 2009)

BELOW SCHURZ



ENTRANCE TO WALKER LAKE

Response to Comments of Letter I07 (Tom Reviglio, October 8, 2009)

I07-1

The water balance, including average flow values in the reach between Wabuska and Walker Lake, is shown in Revised DEIS Figure 3-18. These numbers differ from those of the commenter because a different period was evaluated and higher flows were diverted from Canals 1 and 2 on the Walker River Indian Reservation. However, the largest discrepancy is in the estimated lake inflow. The estimated average value of 100,000 af/yr in the Revised DEIS is based on newer data than was available for the 1995 USGS fact sheet. Since 1995, two additional key pieces of information have improved estimates of lake inflow. One is that USGS measured lake inflow continually from October 2004 through May 2006. The other is that USGS has made more measurements of lake evaporation and determined that net evaporation was higher than the estimate used in the 1995 fact sheet. Higher evaporation means that greater inflow is needed to explain the observed lake elevations. Based on the water budget from Revised DEIS Figure 3-18, approximately 23,000 af/yr is lost from the river out of the 139,000 af/yr at Wabuska (about 17%). This 17%, however, does not represent the percent of acquired water that is expected to be lost. As flow increases, the percent of water that is lost decreases (Revised DEIS Figure 3-12). The estimated percent of acquired water that would be lost downstream of Wabuska is 10% (DEIS Appendix 3A, pages 3A-63 and 3A-64). USGS has recently published a new water budget of Walker Lake (USGS Report 2009-5157) that is similar to the water budget estimates of the Revised DEIS, although perhaps a little more optimistic about the amount of water reaching Walker Lake. This new USGS report also describes an additional reason why the 1995 average lake inflow value of 76,000 af/yr is too low.

I07-2

See Response to Comment I07-1.

Comment Letter I08 (Tammy L. Hoover, August 18, 2009)

Letter I-08

US DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION
WALKER RIVER BASIN ACQUISITION PROGRAM EIS

Public Comment Card

Please use this comment card to submit input regarding the Walker River Basin Acquisition Program Environmental Impact Statement (EIS). Your input is valued. Comment cards will be scanned and published in the final EIS. Comments must be received by ***close of business September 14, 2009***.

Comments can be submitted in the following ways:

1. At a public meeting;
2. By mail addressed to U.S. Department of Interior, Bureau of Reclamation, c/o Jennifer Rogers, 630 K Street, Sacramento, CA 95814;
3. By e-mail to ***CHunttDecarlo@usbr.gov***; or
4. By Fax to (775) 884-8376

If you have questions regarding the EIS or the process, please call Caryn Huntt DeCarlo at (775) 884-8352.

Privacy Notice: Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Unless indicated by you otherwise, you will automatically be added to the official EIS mailing list by submitting this form.

PLEASE PRINT LEGIBLY

Name: TAMMY L. HOOVER

Affiliation (if any): Lifelong resident of Mason Valley

Street Address: 95 PENROSE LANE

City, State, Zip: Yerington Nevada 89447 Date: 18 August 2009

Comments: (Comments may be continued on the back or a separate sheet.)

Why are we spending time and money to save a Lake that God intended to be terminal? I08-1

Does the Federal Government realize what a detrimental effect losing this water will have on Smith & Mason Valley? I08-2

This would ruin the lives of many, many people. I08-3

Comments must be received by September 14, 2009

Response to Comments of Letter I08 (Tammy L. Hoover, August 18, 2009)

I08-1

The term *terminal* refers to the lake being at the terminus (end) of a river. While Walker Lake may have dried up, that was thousands of years ago (Adams 2007), and, unlike the current situation, that was not caused by human actions. Scientific data strongly show the correlation between a significant drop in lake elevation and the beginning of upstream diversions for agriculture. The Revised DEIS analysis relies on the best available scientific evidence, which shows that providing freshwater inflow to Walker Lake in a sufficient amount over time will improve the health and viability of the lake.

I08-2

The Revised DEIS documents that the Acquisition Program would result in adverse impacts on the upstream agricultural communities, primarily agricultural operations and economy.

I08-3

Comment acknowledged.

Responses to Comments:

Tribes

Comment Letter T-01 (Walker River Paiute Tribe, Administrative Building, September 22, 2009)

Walker River Basin Acquisition Program
DEIS Public Meeting and Tribal Consultation Meeting
September 22, 2009, 6 p.m.
Walker River Paiute Tribe Administrative Building

Presentation by U.S. Bureau of Reclamation: Caryn Huntt DeCarlo

Other Lahontan Basin Area Office Reclamation staff attending:
Kenneth Parr, Area Manager
Andrea Minor, Natural Resources Specialist
Carol Grenier, Desert Terminal Lakes Program Manager

Attending:

Norm Harry	Tribal Water Litigation Officer	normharry@aol.com
Wes Williams	Legal Counsel	wesw@gbis.com
Dave Schildt	Fisheries Tech	dschildt@wrpt.us
Gerry Emm	Fisheries Director (new)	gemm@wrpt.us
Heidi Waterman	Tribal Administrator (new)	heidiwaterman@wrpt.us
Edmund Reymus	Tribal Chairman	ereymus@wrpt.us

Introduction by Norm Harry

Brief introduction by Kenneth Parr

Presentation by Caryn Huntt DeCarlo
- Background – The Issue
- Authorizing Legislation
- Current Acquisition Program
- Draft Legislation pending in Congress (2010 Energy & Water appropriations bill)
- Environmental Impact Statement
- 11 EIS Cooperating Agencies
- Four alternatives analyzed in EIS
- Alternative 1: Purchase of water rights
- Alternative 2: Leasing
- Alternative 3: Efficiency alternative – system efficiency and on-farm conservation measures
- Resources analyzed
- Summary of Primary Impacts
- Mitigation of Adverse Impacts
- No Record of Decision
- Public Input – How to Provide Comment on the Draft EIS: Due 10/05/09
- Frequently Asked Questions (How much water is needed? Who will hold acquired water rights?)
- Next steps (response to comments, release of final EIS probably in December)

Comments and Questions:

Gerry Emm asked whether Efficiency alternative would be allowed by State Engineer since it would require transferring partial water right. T01-1

Norm Harry asked regarding $10M identified for conservation in pending legislation; would any of that be available to the tribe? T01-2

Chairman Reymus: Who would sit on non-profit? T01-3

Norm Harry requested to be notified when new legislation comes out. T01-4

Wes Williams EIS Comments:

On page 3-8, 3-16, and page 9-8, 3rd full paragraph, talking about tribal fallowing should include mention of fallowing in 2009 (currently only states 2008 and 2009). T01-5

Wes: Page 14-5 Wildlife Fish Hatchery…the EIS states 70,000 LCT stocked in March; doesn't say what year. T01-6

Wes: Page 14-6 mentions lawsuit filed about no NEPA/EIS done for tamarisk removal – what is the status? Who filed it? T01-7

Wes: Page 14-11 Weber Dam repair, last sentence, says reservoir will be emptied in 2009 but it will only be lowered (was lowered). T01-8

Norm Harry: Page 9-16 cultural resources: talking about SHPO; will any projects for alternative 3 be done on federal land? Do federal regulations apply, NAGRPRA, ARPA, etc.? An agreement needs to be in place prior to ground disturbing work. T01-9

Norm: What if human remains found during construction? Tribal monitor on site? Looking to develop agreement to handle inadvertent discovery. Important to identify federal laws that are applicable & authorities. Need an agreement in place. T01-10

Wes: Page 9-8 (cultural resources) states approx 2,800 acres are in agricultural production on reservation; doesn't know where 2,800 number came from, it's more like 2,100 acres; Reclamation should check with Jon McMasters of WRPT for correct number. T01-11

Caryn offered CDs of Draft EIS to those attending.

Gerry Emm was telling us before the meeting that Charlie Frey in Fallon has had really good success growing grapes. He has put his water rights on strips of land corresponding to rows of grapes.

Comment Letter T-01 Continued (Walker River Paiute Tribe, Administrative Building, September 22, 2009)

**Request to send Powerpoint presentation and draft legislation to Heidi; e-mail powerpoint presentation to everyone. Mail hard copy of Draft EIS to Gerry Emm. All of these requests completed as of 9/25/2009.

Responses to Comments of Letter T-01
(Walker River Paiute Tribe, Administrative Building, September 22, 2009)

T01-1

Potential efficiency measures include both on-farm and system improvements. Depending on the particulars, at least some of the per-acre water savings associated with on-farm measures could be acquired and transferred to Walker Lake in a manner consistent with Nevada law. Changes to Nevada law, a basin-wide water settlement agreement, or improved water measurement capabilities would all help to ensure that other efficiency-based improvements result in water savings that accrue to the ultimate benefit of Walker Lake.

The NSE typically limits proposed transfers to a consumptive use amount, although exceptions do occur on a case-by-case basis. For Alternative 3 to work, the NSE would have to allow the transfer of conserved water. The NSE makes decisions about water transfers on a case-by-case basis. For the transfer of conserved water to occur, Nevada law would have to change or, alternatively, untraditional transfer methods could be used under existing law. For example, the NSE could permit conserved water to be transferred by stripping water rights from a fraction of the water-righted land (e.g., from the land between drip rows for vineyards). An alternative method would be to split the flow rate duty when a water right was in priority. The split would depend on the amount of water saved. Also see Chapter 2 (Alternative 3, Required Applications, Agreements, and Approvals).

T01-2

NFWF will determine expenditure of these funds and no decision has been made on the projects that would be funded. The only information that is determined is that the funding will comply with the language in PL 111-85 as follows: "$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program."

Text has been revised in Chapter 1 to include this new funding under PL 111-85.

T01-3

No determination has been made on who would sit on the nonprofit entity. The only information that is determined is that it will comply with the legislation that states, "local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program." NFWF is beginning to meet with local stakeholders in the Walker River Basin, including WRPT.

New information under PL 111-85 regarding the local nonprofit entity was added to Chapter 1, Introduction.

T01-4

Legislation was provided by Reclamation.

T01-5

The Revised DEIS text was updated to include the year 2009 as part of the 3 years of fallowing that began in 2007. The following text was also added to the Revised DEIS to show the amount of water provided by the fallowing program. "During all 3 years of the fallowing program, April–October flows downstream of Canals 1 and 2 measured at USGS Gage 10301745 have exceeded the WRPT water right of approximately 9,400 af/yr, indicating a full transfer of water from WRPT to Walker River."

T01-6

The 70,000 LCT were stocked in March 2006 (Wright pers. comm. 2009). Currently, stocking occurs if environmental conditions in the lake permit. No stocking occurred in 2009 and will likely not occur in 2010 (Wright pers. comm. 2010).

T01-7

Reclamation is not aware of a tamarisk removal lawsuit. The language related to the lawsuit has been removed from the Revised DEIS.

T01-8

The Revised DEIS text has been revised to indicate that the reservoir was lowered, not emptied.

T01-9

The National Historic Preservation Act (NHPA) applies on private lands, but NAGPRA and ARPA do not. Section 106 of NHPA will be a requirement for the efficiency alternative and an agreement to comply with NHPA has been required of NFWF by Reclamation. Inadvertent discoveries (e.g., archaeological features) will be handled pursuant to 36 CFR Part 800.13. Any human remains discoveries will be handled in compliance with Nevada State law.

T01-10

See Response to Comment T01-9.

T01-11

Text has been revised to correct the acreage based on information in Comment T03.

Comment Letter T-02 (Additional Comments: Walker River Paiute Tribe, Administrative Building, September 22, 2009)

Letter T-02

Additional Comments on the Walker River Basin Acquisition Program
Draft Environmental Impact Statement
On Behalf of the Walker River Paiute Tribe

In addition to the comments provided at the meeting with the Walker River Paiute Tribe on September 22, 2009, at the meeting with Caryn Huntt DeCarlo of the Bureau of Reclamation, the following comments are provided on behalf of the Tribe.

1. In addition to addressing the impacts on Walker Lake, which is a focus of the DEIS, the DEIS should address effects on each downstream party. Thus, the effect of water right acquisitions and transfers in the Smith Valley on Mason Valley and the Walker Lake Reservation should be addressed; similarly, the effect of the acquisitions in Mason Valley and of the use of the Homestretch geothermal water effluent on the Reservation should be assessed. The geothermal assessment should include a more in-depth analysis of the effect of fluoride and other chemical constituents in the effluent on residents of the Reservation, cattle raised by allottees on the Reservation, and the fish in Walker Lake. Our understanding is that fluoride does not dissipate, but instead concentrates over time. The analysis needs to address not only whether the water will meet EPA and State standards, but what are the likely long-term effects. This should also be addressed in the water quality section. T02-1

2. Data in the FEIS should be updated to be current. This would include, for instance, updating the information from the recent USGS reports on the hydrologic balances in the basin, the USGS plans for their second five-year hydrologic sciences program, the new gauges that USGS will be adding to the system, the new language in the 2010 appropriations act that should be in place well before the FEIS comes out, and the additional four water right acquisition options that bring the total of current options to 10. T02-2

3. The EIS addresses flow loss between Wabuska and Schurz as well as from Schurz to the Lake, but also should include in that section estimates of flow loss in the other reaches of the river and losses of water in the Smith Valley. Based on the data in Table 3-7, an average of 137,000 af/y is lost to the system in Mason Valley. T02-3

4. We recommend separating out the incidental groundwater recharge numbers and the return flow numbers on page 3-24 to 3-25. The are different phenomena with differing impacts. T02-4

5. We recommend including charts on the rate of groundwater loss over time in the Smith and Mason Valleys. At .4 and .5 feet/year, measured over a period of decades, this amounts to a substantial loss. Such a loss would also increase the rate of seepage from the river, ditches, and agricultural lands in the irrigated and non-irrigated areas, and should be counted as reach losses. The State Engineer's Office maintains records on groundwater levels, which could be fashioned into a useful display. T02-5 con't

6. Table 3-8 should account for average groundwater loss for each of the valleys in terms of both depth and total acre feet. T02-6

7. The increase in sediment transport to Walker Lake from increased flows should be quantified (see page 3-31). T02-7

8. It would be useful to include a map of the Smith Valley, Mason Valley, and areas along the two branches of the Walker River that includes a clear depiction of the water supply and return ditches, together with their names. T02-8

9. The EIS team should consider using more neutral language addressing various options throughout the document. For instance, "Best Case" and "Worst Case" for Irrigated Land or Groundwater Recharge in Table 3-11 could be more neutrally stated as "Largest Reduction," "Least Reduction," "Least," and "Greatest," respectively, since whether they are better or worse depends on the viewpoint of the reviewer. T02-9

10. It would be useful to explain the statement on page 3-61 that, "On the whole, for the Proposed Project, the potential for decreased groundwater pumping, resulting mostly from the retirement of supplemental groundwater rights, appears to be greater than the potential for increased groundwater pumping." Since the State, essentially, does not regulate the volume of groundwater pumping, why this would be the case is not clear. T02-10

Responses to Comments of Letter T-02
(Additional Comments: Walker River Paiute Tribe, Administrative Building, September 22, 2009)

T02-1

The Homestretch Geothermal Pilot Project is being analyzed and addressed in the Homestretch Environmental Assessment. The pilot project will only be authorized if it complies with all applicable state and federal environmental laws and regulations, including the NPDES discharge permitting requirements. The pilot project, if implemented, would be evaluated to determine if permanent acquisition of the geothermal water was feasible under the Acquisition Program.

T02-2

To the extent possible, the hydrologic data have been updated in Chapter 3, Water Resources, including new USGS reports. The Revised DEIS includes information on all options to date. The new legislation, PL 111-85, has been incorporated into Chapter 1, Purpose of and Need for Action.

T02-3

Flow losses in the upstream valleys are addressed in the Revised DEIS in Chapter 3. Almost all of the existing losses are expected to remain relatively constant and to be supplied by base levels of flow. However, reduced groundwater recharge that could result from water transfers could result in increased infiltration from the river to groundwater. This potential increase in infiltration is incorporated in the estimate of how much water would need to be acquired.

T02-4

There are insufficient data to separate incidental groundwater recharge numbers and return flow numbers. In a sense, these two terms are the same. Water that does not return directly to the river goes to the aquifer. Water that contributes to the aquifer contributes indirectly to river flow by either reducing river infiltration to groundwater or by increasing groundwater inflow to the river.

T02-5

Appendix 3A of the DEIS contained charts showing measured groundwater levels. These charts are now included in Chapter 3, Water Resources, of the Revised DEIS.

Existing conditions are used as the baseline for environmental impact statements. For the No Action Alternative, seepage was assumed to be the same as with existing conditions. For the acquisition alternatives, seepage was estimated to change only in response to the Acquisition Program.

T02-6

A groundwater balance assessment was not included in the DEIS because of a lack of information (e.g., nonagricultural groundwater pumping, porosity, and flows in and out of each valley) and because it was not considered essential to the analysis of the acquisition alternatives.

T02-7

University researchers Dennett et al. (2009) performed a detailed evaluation of the potential for increased erosion and sediment transport that could be associated with increased flow. However, the quantity is uncertain. Chapter 3, Water Resources, of the Revised DEIS contains a discussion of the erosion and sediment transport impact.

T02-8

Canals are shown in Figure 2-1. An additional figure that shows some return ditches has been added to Chapter 3 of the Revised DEIS.

T02-9

Text has been revised throughout the Revised DEIS.

T02-10

Text has been revised as follows: “On the whole, because of the NSE restrictions on the use and transfer of supplemental groundwater rights (see above), the potential for decreased groundwater pumping…."

Comment Letter T-03 (Wes Williams Jr., Law Offices of Wes Williams Jr., A.P.C., October 2, 2009)

Letter T-03

T-03FW EIS Comments.txt

From: Wes Williams Jr [mailto:wesw@gbis.com]
Sent: Friday, October 02, 2009 9:38 AM
To: Huntt DeCarlo, Caryn
Cc: normharry@aol.com
Subject: EIS Comments

Caryn: I had one more comment on the EIS. Do you need a formal letter from the Tribe or will this email be sufficient?

On page 9-8 and 12-3 (and possibly other places), the draft EIS states that approximately 2800 acres are in agricultural production, and it also refers to 125 acres for center pivots. At certain times there may have been 2800 acres in production, but they are not all in production at this time and it is not clear if they all were ever in production at the same time. Also, the center pivots have not been used this year, and I am not aware of any plans to use them any time soon. Four of the pivots have not been used in years. A more accurate statement would be: T03-1

"Approximately 2800 acres have been used at various times for agricultural production. Of this, approximately 2,100 acres are irrigated allotments consisting mainly of alfalfa and grass hay, and the Tribe had previously irrigated Tribal trust land with five center pivots."

If you have any questions, or need anything more, please let me know.

Wes Williams Jr.
Law Offices of Wes Williams Jr., A.P.C.
P.O. Box 100
Schurz, NV 89427
(775)773-2838
Fax: (775)773-2830

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Responses to Comments of Letter T-03
(Wes Williams Jr., Law Offices of Wes Williams Jr., A.P.C., October 2, 2009)

T03-1

Text has been revised in several locations in the Revised DEIS to include this correction.

Responses to Comments:

Public Hearings

HAWTHORNE Public Hearing Comments

Comment Number		Last Name	First Name	Comment	Response
Public Hearings					
Hawthorne, NV					
PHH-	01	No name	No name	When is the last time you took a TDS sample of Walker Lake?	The Bureau of Reclamation does not sample TDS. The commenter stated correctly that the TDS concentration cited in the DEIS is out-of-date. Although TDS concentration fluctuates, the Revised DEIS reports a TDS concentration of approximately 17,500 mg/L (as measured in September 2009).
PHH-	02	Essenpreis	Jim	Jim Essenpreis, County Commissioner. The last data we have, the TDS has already exceeded 18,000 parts per million, and from the study that NDOW just had done we have completely lost some of the fishery. In the entities that you had listed as Cooperating Agencies it included Lyon County, Mineral County, Walker River Paiute Tribe, and Yerington Tribe. You also list NDOW. NDOW is primarily responsible for our loss of the lake. They divert in excess of a 100,000 acre feet per year into the Mason Valley Wildlife Management Area. I am kind of curious how they can be listed as a partner in trying to restore Walker Lake when basically they are the ones that destroyed it?	The lead federal agency preparing a NEPA document (e.g., an EIS) may request federal agencies and non-federal agencies such as tribes, local government entities, or state agencies to be a Cooperating Agency. The criterion for being a Cooperating Agency is that the agency has "jurisdiction by law or special expertise" concerning the proposed action. This includes special expertise with respect to an environmental issue. NDOW strongly qualifies as having special expertise and jurisdiction throughout the Walker Basin related to fish and wildlife management and impacts of the Acquisition Program. Cooperating Agencies aren't "partners" in an EIS. The Cooperating Agencies for this DEIS included both those supportive of the Acquisition Program to restore the lake and those who are not supportive. All the Cooperating Agencies, however, had local expertise or jurisdiction within the study area of the Revised DEIS.
PHH-	03	Bunch	Marlene	One of the first things you showed in your presentation was conservation. I would like to know what the avenues are in place, if they conserve water, to make sure that the conserved water actually gets to the lake? If you go back to a Walker River Task Force that was started in the early '90s, and at that time, Mineral County personnel, as well as everybody all the way up to through California to the headwaters, were getting together to try to figure out ways to get water to the lake. During that time, it was shown that they if	There would be several requirements for conserved water to reach the lake: 1)the Acquisition Program would have to sponsor the specific conservation project; 2)the water savings for that program would need to be quantified; 3)The NSE and the U.S. District Court of Nevada would have to approve, with or without conditions, the proposed transfer of the conserved water; and 4)delivery of this water to Walker Lake (minus any physical losses associated with increased river infiltration or evapotranspiration) would need to be appropriately tracked and administered in accordance with all

Comment Number		Last Name	First Name	Comment	Response
				farmers went to a sprinkling system versus flood irrigation, that it would conserve water. While everybody was against it at the time, if you look now, you will see everybody going to sprinkling system because they have found out it will save water. But did they send the saved water to the lake? No. They found that they could develop more fields. So if you conserve water, what are you going to do to make sure that that water gets to the lake?	approvals.
PHH-	04	Bunch	Marlene	I would like to comment on Mr. Essenpreis's remarks about the 100,000 acre feet taken by NDOW. Part of the water rights procedure is you cannot take water from groundwater and put it into river, and you can't take river water and put it into the groundwater. The fish and wildlife hatchery actually has well water, and that's what they are using, not river water; and we have asked them to turn the used water out to be able to release it to the river. We were told that they can't do that because they use it to recharge the groundwater so that they have the water to bring back up and reuse again. So I can't support the remarks that NDOW is against the lake. Their hands are tied with water law, just like everybody's is. It would be nice though if they could take part of that water and instead of having their little ponds out there to let it percolate back to the ground so as to be able to channel part of it to the river.	The Mason Valley WMA receives water from the Walker River, numerous wells that draw on groundwater supplies, drainwater from the Mason Valley Fish Hatchery, secondary-treated effluent from the City of Yerington Wastewater Treatment Plant, and cooling pond water that is piped from the adjacent Sierra Pacific Power Company (now NV Energy) power plant. The Mason Valley fish hatchery pumps approximately 4.5 to 5 million gallons of groundwater per day. This is the only source of water for the fish hatchery. The water is used to recharge the aquifer from which it is pumped. It is also used in the development of wildlife habitat including ponds for waterfowl, shorebirds, furbearers, and fish.
PHH-	05	Bunch	Marlene	There is an NV Energy power station out there. Why can't they their water be turned into the lake? There was a study going on a while back to be able to divert that water. Is it groundwater or surface water?	The water quality of NV Energy's power station cooling pond water does not meet state standards for discharge to the river and therefore cannot be used for additional inflow to Walker Lake. NDOW has an agreement with NV Energy to take up to 1,200 af/yr of the water. The water is groundwater, not surface water.

Comment Number		Last Name	First Name	Comment	Response
PHH-	06	No name	No name	Water to be acquired under the Acquisition Program has to be river water, correct?	Types of water rights that can be acquired are explained in detail in Chapter 2, and include: decreed natural flow diversion rights appurtenant to lands in Nevada, storage rights held by WRID for supplemental use on lands with decreed natural flow diversion rights and for primary use on other New Lands in Nevada, primary or supplemental groundwater rights appurtenant to lands in Nevada, state-certified surface water rights held by WRID, and drainage or tailwater rights appurtenant to lands in Nevada.
PHH-	07	No name	No name	Can any type of water be acquired and diverted the lake?	Please see the Response to Comment PHH 6.
PHH-	08	No name	No name	Isn't it true that you check river water for water quality and salt content? If the salt is too high for the acquired water, will you still acquire it and send it to Walker Lake?	Water, such as geothermal water or groundwater, cannot be discharged to the river if it does not meet state water quality standards. The acquisitions therefore would not include water that cannot meet state standards for discharge to the river. However, geothermal water such as Homestretch Geothermal effluent may be acquired if discharges occur when the river flow is high enough to dilute the geothermal effluent to meet state standards; a state permit for this scenario for Homestretch Geothermal is being considered by NDEP at this time. Ideally, inflow to Walker Lake would have very little TDS so that the total amount of TDS in the lake would not increase. However, as long as the lake is augmented with water that has a TDS concentration that is significantly less than the TDS concentration in the lake, the concentration of TDS in the lake will decrease. The state TDS standard for water supply, irrigation, and livestock is 500 mg/L as established by the Nevada Administrative Code (NAC) (NAC 445A.160, NAC 445A.162, and NAC 445A.163). This standard is much less than the TDS concentration in Walker Lake (approximately 17,500 mg/L during 2009). As a result, any water approved for discharge to Walker River would help to reduce TDS in Walker Lake.

Comment Number		Last Name	First Name	Comment	Response
PHH-	09	No name	No name	Is there anybody to check to make sure that the water doesn't add to the TDS water quality problem at the lake, instead of reduce the problem?	Most of the acquired water would be high-quality water from the watershed. However, if water is imported, its quality would need to be evaluated. As an example, this type of evaluation is occurring as part of the permitting process (Environmental Assessment and NPDES permit) for the Homestretch Geothermal Pilot Project.
PHH-	10	Essenpreis	Jim	The proposed discharge from the geothermal power plant in Wabuska includes water that unfortunately exceeds temperature requirements because it comes out of the ground with quite high temperatures. They are trying to figure out a way to move the water far enough to cool and blend with the river water to cool it over a period of time. That water is high in fluoride, which has a very adverse affect on the Walker River Paiute Tribe cattle. I don't quite know how you are going to mitigate that.	The water would be cooled to ambient temperature before being discharged to the river. Water quality issues associated with the Homestretch Geothermal Pilot Project are being evaluated as part of separate NDEP permitting and Reclamation environmental assessment processes (see Response to Comment PHH-09). Homestretch water will only be discharged to the river if the resulting concentration of water quality constituents in the river does not exceed allowable limits.
PHH-	11	Bunch	Marlene	If no water ever comes to the lake, if there is no satisfaction reached, whose responsibility is going to fall to when we get hazardous blowing dust levels here? This is similar to China Lake dust issues. California had to re - water China Lake. Would it not be best to catch this situation now and keep the water in the lake, rather than to wait till it dries up and try to correct it?	Comment acknowledged. The importance of restoring Walker Lake has been strongly supported by the various public laws related to restoration of Walker Lake and the funding provided by Congress to acquire water for the lake. The goal of the Acquisition Program analyzed in the Revised DEIS is to provide water to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin. The Revised DEIS discloses adverse and beneficial impacts of the program, allows for public comment, and provides information for implementing the Acquisition Program. While Reclamation recognizes that the time it takes to get to the lake restoration goals is frustrating, the implementation of the Acquisition Program requires many steps which realistically take time. Reclamation and others involved in this process do recognize the environmental urgency. Regarding the commenter's question on who is responsible for correcting hazardous dust issues if water doesn't reach the lake, Reclamation is not

Comment Number		Last Name	First Name	Comment	Response
					aware of an entity that has that responsibility, but one may exist.
PHH-	12	Bunch	Marlene	It is taking too long. Everybody is dragging their feet. We have studied this lake and all the upstream water, and then we paid more money for it to be studied and restudied, and restudied. When is the studying going to end? When is there a due date? Or are we going to come up with another study to study what we just studied?	Comment acknowledged. See the Response to Comment PHH 11.
PHH-	13	No name	No name	But my concern is on the record.	Yes, the comment of concern about how long it is taking to get water to the lake and the concern regarding the lake's situation is documented in the record.
PHH-	14	No name	No name	You have no idea how frustrating this is.	Comment acknowledged. Reclamation recognizes how frustrating the timeframe is for those affected by Walker Lake's deterioration.
PHH-	15	No name	No name	I have been at this since 1992 and it's very frustrating.	Comment acknowledged.
PHH-	16	Bunch	Marlene	The one that part worries me the most though is the leasing. It's set for three years. What's going happen after three years?	The Revised DEIS analyzes a leasing alternative that is modeled substantially on WRID's proposed leasing program. The Leasing Alternative in the DEIS estimated that with funding of $56 million at estimated leasing prices, the leasing program would last 3 years. At estimated full funding, the leasing program would last approximately 20 years. Under PL 111-85 enacted in October 2009, a demonstration leasing program to be implemented by WRID is a 3-year demonstration program to be funded through NFWF's grant with Reclamation. This project is not yet developed and is not analyzed in the Revised DEIS. Annual evaluation of this demonstration leasing project will assess whether and how a longer-term leasing program fits within a larger flow restoration effort.
PHH-	17	No name	No name	That rubs me wrong seeing what they have done with conserved water in the past.	Comment acknowledged.

Comment Number		Last Name	First Name	Comment	Response
PHH-	18	Essenpreis	Jim	One of the other problems is the federal water master and the state itself has refused to acknowledge that groundwater pumping affects the river salt levels. It's pretty basic that when you lower the water table, the river flow surface water goes back in the ground to replace the groundwater, and the State so far has refused to even acknowledge that groundwater pumping affects surface water at all.	Interaction between surface water and groundwater is discussed in many locations throughout Chapter 3 (e.g., River-Groundwater Connection). The Full Transfer Scenario and Alternative 3 are expected to result in a reduction in groundwater recharge, which would cause an increase in river infiltration. The estimated increase in river infiltration was subtracted from the amount of acquired water that would reach the lake, and it is a primary reason that more than an average of 50,000 af/yr would need to be acquired.
PHH-	19	No name	No name	What happens when water rights are bought?	Please see Response to Comment PHY-41 and Standard Response 8, Measurement and Enforcement. The administration and tracking of acquired water will likely involve WRID, the federal water master, NSE, USGS, and NFWF; other agencies and entities could also have program involvement. PL 111-85 includes funding for conservation and stewardship measures, including "the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program". It is Reclamation's understanding that NFWF will create a local advisory committee that will provide input to guide NFWF's investments under the Walker Basin Restoration Program as authorized.
PHH-	20	No name	No name	When a water right is bought, does the point of transfer change from Mason Valley to Walker Lake?	Various terminology is used related to the potential transfer of acquired water rights as noted below: Point of Delivery – the presumptive point of delivery is the Wabuska gage. This is the control point for determining decreed right priorities served system wide. Point of Transfer – the water would ultimately be transferred to Walker Lake presumptively through two steps: 1) to Wabuska via the NSE/USBWC change approval process; and 2) through the Walker River Indian Reservation by agreement with BIA and WRPT. Point of Use – presumptively this would be both the lower Walker River and Walker Lake.

Comment Number		Last Name	First Name	Comment	Response
PHH-	21	No name	No name	When you take that water right out of their system, do you still have to pay fees for that water right for that system?	Associated fees and assessments would be paid by the purchaser of the water right.
PHH-	22	No name	No name	Who's going to fund the payment of those fees for that water right?	Associated fees and assessments would be paid from funds available to the Acquisition Program.
PHH-	23	No name	No name	Is that to the end of time?	Associated fees and assessments would be paid annually until such time as another form of payment (e.g., a present-value or lump-sum equivalent) was developed and agreed to by all parties of interest.
PHH-	24	Bunch	Marlene	I only have one statement to make to Mr. McHughes's remarks. I support his theory. Who is going to make sure that the water goes to the lake once that water right is acquired? Who is going to continue to make payments? I go back to that the river used to flow to the lake. Walker Lake did not divert that water, everybody upstream diverted that water. They should have to be the one to water back to go to the lake. We weren't the ones that killed the lake. Upstream water rights users are killing the lake at the direction of the Supreme Court that laid out C125. They did not include us in 1936 when they ended all the water rights at Schurz. The water is 100% allocated by the point of Schurz. So the error falls back to the founding people in 1936 that didn't look into the future to say — wow, we have a public trust doctrine that says we have to preserve this lake. If we push the public trust doctrine, there is a lot more lakes in this State that's going have to be put back, because they have been dewatered. So which is going to be easier to handle? Make sure that water goes to the lake or do we have to push it in Court.	Comment acknowledged.
PHH-	25	Bunch	Marlene	My comment is on the record?	Yes, comment acknowledged.

Comment Number		Last Name	First Name	Comment	Response
PHH-	26	Bernacchi	Leigh	How are you using the public to see who the willing sellers are and what alternatives there are? How will people be given incentive to sell?	As directed by law, this is a willing seller program. To date the University, through their subcontractor Western Development and Storage (WDS), has signed up willing sellers under 10 option agreements as of December 2009 (which have been transferred to NFWF via an agreement between the University and NFWF). WDS did not solicit any sellers; willing sellers approached WDS.
PHH-	27	No name	No name	And willing sellers have been coming forward?	Yes, to date option agreements have been entered into with 10 willing sellers and others have expressed interest. See more information in Chapter 2 of the Revised DEIS and Table 2A-1 in Appendix 2A.
PHH-	28	No name	No name	Do you think the 82,000 acre feet amount of water would be reached voluntarily?	The Acquisition Program relies on willing sellers, so it is unknown how many willing sellers will come forward and what amount of water will be offered for purchase or lease.
PHH-	29	No name	No name	How will you encourage willing to come forward?	It is not Reclamation's role to encourage willing sellers to come forward. The University Acquisition Program through WDS has been a voluntary participation program as will be NFWF's Acquisition Program. The law directs that it is a willing seller program.
PHH-	30	No name	No name	How long will the University advise people that they could come forward to sell or lease water?	NFWF will now be implementing the Acquisition Program which is expected to be ongoing for years.
PHH-	31	No name	No name	Are there going to be more water measuring devices put on the river to make for sure that the proper allocations do get to the lake? There is going to be some loss in the system as the water flows to the lake. What I worry about the most is, who's going to really be hard nose enough to say – 5,000 acre-feet right here is going in the river and you can't stop it from going to the lake?	See to the Response to Comment PHH 19. The Revised DEIS describes the current water rights tracking and enforcement mechanisms. These same mechanisms would apply to the acquired water rights.

Comment Number		Last Name	First Name	Comment	Response
PHH-	32	No name	No name	No, there is not any current water measurement device between Schurz and the lake which is where one needs to be. We conferred with the water master on this already.	The Schurz gage, also called the Siphon gage, is located just below Schurz. In the past, USGS has had a flow gage near the lake, but because of the unstable and braided nature of the channel, measuring flow in this area is difficult.
PHH-	33	No name	No name	Whose fault is it that that the channel is unstable?	The channel is down cutting because the lake level is dropping as a result of low inflow. There is now a relatively steep river channel in an area of highly erodible sediments of the former lake bed and river delta.
PHH-	34	No name	No name	When the water gets to flowing to the lake you will have the challenge to put those gages in. That needs to be a mandatory requirement, because a lot of water goes to Wabuska that they say is going to the lake. We had one time 10,000 acre feet that was supposed to be released and the day before -- as a test run, everything was set up and it was to start, they were going to track the water all the way to the lake -- the day before there was one group that says, if it's cut loose, we are not turning it loose, we are going to hold it. Now, how strong a regulations are we going to make it to make sure that those water rights over there is proven to the lake with given percentage of loss; there has to be some type of measuring device whether a gage, whatever, that says out of this much water this much got there?	Comment acknowledged. An existing gage operated by USGS is located in Schurz, downstream from all diversion canals on the Walker River, including those for WRPT. USGS has explored locating a gage farther downstream, to better measure the quantity of water reaching Walker Lake, but a good gage location may not exist because the river channel is unstable. Effective implementation of the Acquisition Program would require development of an operating agreement for Weber Reservoir and related facilities to manage both acquired and other water (including water associated with WRPT's decreed water rights and any excess flows) from the expected point of delivery at the Wabuska gage to the lower Walker River and Walker Lake. The agreement would provide assurance that water rights associated with the Walker River Indian Reservation Irrigation Project are not impaired, water is properly accounted for, and the safety of the downstream community is protected. It is anticipated that such an agreement would address a number of factors, including but not limited to the amount and timing of deliveries of acquired water to the Wabuska gage; reservoir operations criteria; physical losses between the Wabuska gage and Weber Reservoir; physical losses in Weber Reservoir as well as diversions into and releases from storage; physical losses and diversions between Weber Reservoir and Walker Lake; physical and safety constraints of hydraulic infrastructure

Comment Number		Last Name	First Name	Comment	Response
					and the downstream river channel; dam safety and flood control operating criteria; storage targets for irrigation season; and coordination, communication, and governance among affected parties for water measurement, delivery, storage, and release (Strekal pers. comm.).
PHH-	35	No name	No name	How do you know 80% of NDOWS's water from the Mason Valley WMA made it below Schurz in 2004?	In 2004, under a temporary transfer, NDOW sent 4,800 af of their available Mason Valley WMA decree water to Walker Lake in return for federal funding to make infrastructure improvements in the WMA. The improvements could increase future inflow to Walker Lake by sending WMA discharges to Walker Lake. USGS records show that 3,978 af of the 4,800 af reached the water gage closest to Walker Lake from March through October 2004. The gage (Lateral 2-A Siphon gage below Schurz) is located downstream from both Weber Reservoir and WRPT's diversion canals. The 3,978 af that reached the gage is more than 80% of the 4,800 af that NDOW sent to Walker Lake, as measured at the Yerington weir. The amount of loss between the gage and the lake is unknown.
PHH-	36	No name	No name	How about fines and penalties if they don't hold up to the deal?	Reclamation does not have the authority to design or implement the Acquisition Program. These suggestions could be shared by the commenter with NFWF, which is designated to implement the Acquisition Program.
PHH-	37	No name	No name	I agree with fines and penalties. If they don't hold up to their end of the deal, they should have something that slaps them on the hand. We're been slapped on the hand every time we drive by the lake because it hurts. I raised my kids near that lake, it hurts, it hurts and we've been robbed for years, and it's time for them to pay back, and if they don't, they need to be slapped on the hand.	See the Response to Comment PHH 36.

Comment Number		Last Name	First Name	Comment	Response
PHH-	38	No name	No name	The federal water master will administer, but what about penalties?	See Response to Comment PHH 36.
PHH-	39	No name	No name	That's all I asked was for my comment to be noted.	Comment acknowledged.
PHH-	40	No name	No name	I was wondering about the nonprofit organization that is mentioned as part of the mitigation. What do you for see as their role on that?	PL 111-85 includes funding for conservation and stewardship measures, including "the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program". It is Reclamation's understanding that NFWF will create a local advisory committee that will provide input to guide NFWF's investments under the Walker Basin Restoration Program as authorized.
PHH-	41	No name	No name	Do you think the locally entities in the Walker Lake community or Walker River watershed, will they be involved in NFWF's advisory committee or just Smith and Mason Valley?	It is Reclamation's understanding that NFWF has already met with several local entities and plans on meeting with additional stakeholders in 2010 to better understand the needs and interests of local stakeholders, both from the upstream and downstream communities.
PHH-	42	Bunch	Marlene	It's so easy when you are standing in Yerington and there is a high mountain right there, and the people over there forget there is a community over here on this side. They are focused on that the river ends right here in their valley. They don't see beyond that. There is another world on this side of the mountain. They just don't get it. We have rights too, and our rights have been stolen for years, flat out stolen. I have no other word for it but stolen, and it started with C125, that's where it started, because the public trust doctrine was not adhered to at that time by regulatory agencies, and from there it has gone down hill. All the way to the State Water Engineer's Office and the federal water master.	Comment acknowledged.

Comment Number		Last Name	First Name	Comment	Response
PHH-	43	No name	No name	When you have the federal water master sitting in the same building as WRID, they are too close. Get him out. Get him to work. He is going to say, this water goes to Walker Lake and Walker Lake will not die. That's what we need to have and yes, it's passion.	Comment acknowledged. Reclamation does not have authority to oversee the federal water master or address these concerns; the commenter could address their concerns with the U.S. Board of Water Commissioners appointed by the court to oversee the Walker River Decree (Decree C-125).
PHH-	44	No name	No name	On that poster over there it shows lake levels in1882 and flows. How many acre feet per year flowed down the river to build Walker Lake from the watershed? If there was no diversions what it would the lake level be?	An evaluation of diversions in California is outside of the scope of the Revised DEIS analysis because under the public law authorization for the Acquisition Program, water would not be acquired in California. As a result, no estimate of unimpaired inflow to the East Walker and Smith Valley reaches was made. From 1981 to 2007, flow at the USGS gages at the upstream ends of these reaches averaged 309,000 af/yr. During this same period, average diversions in the East Walker Area, Smith Valley, and Mason Valley were 207,000 af/yr. Without diversions, flow at Wabuska would likely be well over 300,000 af/yr (instead of the 1981 to 2007 average of 139,000 af/yr).
PHH-	45	No name	No name	I can answer that. The University of Colorado did a study. There was group and they used Walker Lake, as well as other lakes in the country, studying if there had not been any diversions what would the lake levels be. They took it into consideration evaporation, rain and it showed the highway by Walker Lake would be under water if upstream diversions wouldn't have occurred. I can't remember just how many feet it is, but the highway itself, as it is right now, would be under water. Does that give you some generalities?	In the absence of diversions, Walker Lake elevation would likely be similar to or greater than the 1882 elevation of 4,083 feet. Milne (1987 Master's thesis from the Colorado School of Mines) estimated that in the absence of diversions, Walker Lake elevation would have been above 4,100 feet.
PHH-	46	No name	No name	The watershed has around 300,000 af of flow and water rights are for how much?	Please see the Response to Comment PHH 44.

Comment Number		Last Name	First Name	Comment	Response
PHH-	47	No name	No name	California has got the rest of the flow. What is the breakdown? What is the percentage of water in the watershed that California has, and is there anything anybody going to address that for the lake? If no, this new legislation is suggesting including California and if they have 60% of the water then that seems	Please see the Response to Comment PHH 44. As upheld by the passage of PL 111-85, no land in California, water appurtenant to that land, or related interests are allowed to be acquired through the Acquisition Program analyzed in the Revised DEIS; however, WRID's rights to stored water in California, which are appurtenant to and used on lands in Nevada, may be included in the Acquisition Program if offered by willing sellers.
PHH-	48	No name	No name	I can tell you one thing that California did and Nevada hasn't got the nerve to do. California enacted minimum flow laws after they had problems with a real bad drought. They dewatered the reservoir at Bridgeport, and they enacted minimum instream flow laws that says there will be always a required instream flow, and when it gets to the Nevada line that law goes away. We are over allocated 120% of the water rights right now on the Walker River. So isn't is a kind of shame that our neighbors are trying to construe a plan to make sure that the river is not destroyed, and here in Nevada it's like — "Oh, let's see what else I can do?" It is just a crying shame.	Comment acknowledged
PHH-	49	Bernacchi	Leigh	Will these comments be available? How do you disburse the public comment?	All comments provided at the public hearings and in written format are recorded and responded to in the Revised DEIS and made available to the public.
PHH-	50	No name	No name	There are so many comments on California water resources. Will you delineate each public comment?	When there are many comments of the same type, a Standard Response is created. Standard Responses created for comments on this DEIS address topics such as what NFWF is, why there is no mitigation in the DEIS, why there is no FEIS or ROD, what acquisition alternatives will be considered, and so on.

Comment Number		Last Name	First Name	Comment	Response
PHH-	51	Essenpreis	Jim	What's very disappointing to me is how important this issue is and just eight of us showed up. However, I read the paper today and it said this is going to be held next week.	Comment acknowledged. Reclamation stated they were unaware that Hawthorne had a newspaper and will add the Hawthorne Independent News to the DEIS mailing list and to the Reclamation News Release listings. Reclamation regrets if misinformation occurred regarding the date of this public hearing.
PHH-	52	No name	No name	How do you expect the federal water marshal to be impartial to Walker Lake when everybody on his board is a farmer? He runs the system and he comes from a farmer system. How do you expect him to be impartial to Walker Lake?	Comment acknowledged. Reclamation does not have authority to oversee the federal water master or address these concerns; the commenter could address their concerns with the U.S. Board of Water Commissioners appointed by the court to oversee the Walker River Decree (Decree C-125).
PHH-	53	No name	No name	The Walker River Irrigation District has for a long time had their office right there in the same building as the federal water master. To me that's conflict of interest and I have been saying that for the last 18 years. It's just not right for the federal water master to be in there with WRID.	Comment acknowledged. Please see the Response to Comment PHH 52.

RENO Public Hearing Comments

Comment Number		Last Name	First Name	Comment	Response
Public Hearings					
Reno, NV					
PHR-	01	Von Seggern	David	Hi, I'm David Von Seggern from Reno. What stage of the process is UNR in deciding whether the second or third alternative is in fact viable to meet the goal of the restoration of Walker Lake? To me, that's important to know where that is, how that process is going.	See Standard Response 6, Alternatives
PHR-	02	Von Seggern	David	What is the expectation of the leasing and efficiency alternatives solely on the basis of whether they are effective in supplying water to Walker Lake? I mean, the DEIS doesn't address whether they're effective or not.	The Revised DEIS analysis displays how much inflow each acquisition alternative is expected to provide to the lake over a certain time period and at what expected cost. The Revised DEIS also includes assumptions that were developed for the analysis in the document.
PHR-	03	Von Seggern	David	Is that in the appendix?	The information is located in the Environmental Consequences section for each resource. Chapter 3, Water Resources, of the Revised DEIS shows specifically the analysis of the amount of inflow anticipated for each alternative. The Revised DEIS analysis showed that there are benefits to all the acquisition alternatives and a mix of alternatives would likely be the best strategy to implement for restoration of the lake.

Comment Number		Last Name	First Name	Comment	Response
PHR-	04	Strickland	Rose	I have a question and also have some comments that I can give to the court reporter later. The question in my preliminary review of this document is that we noticed a lot of development occurring already in Smith and Mason Valleys especially in the end of the river corridor. There are a lot of beautiful houses that are being put up with large yards and so forth. My question is, was this trend for residential development noticed and analyzed in the EIS? From the summary which I've read, I didn't see any acknowledgment of that, and I'm just wondering how much of the agricultural lands have already left production due to residential development and whether the trend that the agricultural lands are sort of staying the same over the years means that new agricultural lands are coming into production to offset the ones that are leaving because of existing development or ongoing development?	The conversion of farmland to residential and other uses is described in Chapter 7, Land Use and Agriculture (Environmental Consequences, No Action Alternative). The DEIS analyzed whether implementing the Acquisition Program would violate local policies, such as county plans, and Chapter 7, Land Use and Agriculture, addresses land use trends. The Revised DEIS shows the amount of existing agricultural land acreages and acknowledges that the number is dynamic and changes from year to year.
PHR-	05	Lynn	Susan	To follow up on Rose's question, has any attention been given to the land use zoning issues and the changes in the land use and zoning in Smith and Mason Valleys in the EIS in addition to that change of agricultural land?	Actual trends in land use zoning changes were not analyzed, but Chapter 7, Land Use and Agriculture, describes the increase in population in Lyon County and the pressure that such a population increase can put on agricultural land.
PHR-	06	Felling	Rick	Does this whole process anticipate that you can go forward within the current decree or are you going to open up the decree?	There is no plan or authorization to change the Walker River Decree (Decree C-125). See the Response to Comment PHR-10.

Comment Number		Last Name	First Name	Comment	Response
PHR-	07	Swanson	Mr.	I was struck by a phrase in the slide show about environmental effects throughout the basin as opposed to simply at the lake, and as a couple of the previous questions have alluded, I'm quite concerned that in the absence of space for flooding, a river ceases to be a river, and it seems that changing agricultural land which is somewhat flood compatible into residential land which is not flood compatible would prohibit that natural recovery process of the river and the environmental effects would therefore be considerably different in the future given that trend than they might be at the present. I'm wondering if that was considered.	The potential for flooding as it relates to the Acquisition Program is discussed. However, NEPA does not require agencies to speculate about various future land uses that are not readily foreseeable as a result of the project or program. Decisions regarding changes in land uses will remain with the responsible local entity.
PHR-	08	Swanson	Mr.	Are there any processes in place to influence that question of whether land that goes out of agricultural production goes into development or not?	Neither Reclamation nor NFWF has the authority to control what happens to private land after water rights are acquired. However, as with all private land development, those lands would be subject to local and state land use regulations. The Revised DEIS does discuss potential impacts that could occur from removal of land from agriculture. However, it is unknown where water rights might be acquired and what plans private landowners would have for their land.
PHR-	09	Matzoll	Mr.	Can people offer their land in addition to water rights?	As outlined in the public law authorizing the acquisitions, private landowners can offer "land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada…"

Comment Number		Last Name	First Name	Comment	Response
PHR-	10	Matzoll	Mr.	To follow up to Rick's question for Alternatives 2 and 3, does the Nevada State water law have to be changed on the duty, because some of the conservation methods that you're using to acquire the water rights from the river are going to be new and the idea is that water that's conserved is going to go in the river. That's my understanding for Alternatives 2 and 3.	This comment is most pertinent to Alternative 3. Alternatives 1 and 2 would be generally implemented by transferring an appropriate fraction (if not all) of the acquired or leased water rights from one location (e.g., farm land) to another (e.g., the lower Walker River and Walker Lake). The associated farmland would not use any portion of the acquired or leased water right, and any untransferred balance would either accrue to the Walker River system or to the associated ditch system, depending on conditions of approval. For Alternative 3, however, all or a portion of the right to water saved would be transferred to the river and/or lake, while all or a portion of the remainder of that right would continue to be used on the farm. If the program-sponsored water savings cannot be transferred to the river, then Alternative 3 would not be feasible. There is some possibility of transferring conserved water under existing law, but the actual permission to transfer such water is uncertain and would be subject to conditions of approval imposed by the NSE and/or other authorities on a case-by-case basis. This issue is discussed in Chapter 2 (Alternative 3, Required Applications, Agreements, and Approvals). See Response to Comment L-04 29.

Comment Number		Last Name	First Name	Comment	Response
PHR-	11	Matzoll	Mr.	Like I said, the duty is up to a certain amount, so if you conserve water, you lose it, and in your report you don't show you lose it, you sell it or lease it, and I just think that change, that theory, is a change in Nevada water law. We have actually been down to the Nevada State Engineer's office to talk about conservation methods because we spent a lot of money on pivots, pivot heads, and that type of stuff. We discussed that we're investing all kinds of money in conservation methods and asked if we can use the water that we save to open up more fields? The Nevada water law says they gave you a duty up to so much and that's it. So if you don't use it, you lose it; and in your theory, you're saying if I put in grapes and only use one acre feet per acre then I have three acre feet to lease and that is an absolute conflict with Nevada water law.	Please see Response to Comment PHR-10.
PHR-	12	Matzoll	Mr.	That's my point is that Alternatives 2 and 3 aren't viable without a change in State laws.	Please see Response to Comment PHR-10.
PHR-	13	Ghiglieri	Mr.	The period of record seems to be an important issue to me, because it seems as though studies are showing that western rivers are actually decreasing in flow, and that includes the Colorado and California rivers. There are projections where certain rivers may increase significantly in flow over the next few years. If we acquire water rights, will we actually benefit the river or will it decrease in river flows because the program is not actually effective? I think it's something that really needs to be answered because the 50,000 acre feet may not be sufficient to see the benefit that we seek. And I do think that it's an important question that needs to be answered.	The effect that climate change will have on river flow and the success of the Acquisition Program is uncertain and is discussed in Chapter 15, Climate and Climate Change. The analysis in Chapter 3 assumes that hydrologic conditions in the future would be similar to hydrologic conditions in the past. Based on the analysis of Chapter 3 and by others (e.g., Lopes and Allander 2009a), an average increase in lake inflow of 50,000 af/year would increase the volume of Walker Lake and greatly improve water quality in the lake.

Comment Number		Last Name	First Name	Comment	Response
PHR-	14	Strickland	Rose	These are preliminary comments as I haven't had time to study the EIS, but in the alternative that is specifically to improve water efficiency, is there anything in there about integrating sustainable surface and groundwater to benefit all the users, or what other people call "conjunctive use"? I don't know how much of that is going on right now in Smith and Mason Valleys, but was this specifically included in, I believe, it's Alternative 3 as a potential option?	Conjunctive use is not specifically discussed. The exact conservation measures that would be implemented for Alternative 3 would be determined at a later date by NFWF and any willing sellers. The Revised DEIS lists potential conservation measures in Chapter 2.
PHR-	15	Swanson	Mr.	Would it be safe to assume that the conservation measures are net conservation? For instance, if you were to line a ditch and that prohibited infiltration into the groundwater, then that water might eventually get to the lake anyway, so it wouldn't necessarily be net conservation. Was that considered or is it assumed simply that it will be net conservation?	Yes, it was considered. See the description of the upstream analysis in Chapter 3 of the Revised DEIS (Assumptions and Methods Specific to the Efficiency Alternative). Based primarily on work by Myers (2001a, 2001b), a reduction in incidental groundwater recharge would produce a fairly large reduction in river flow. As a result, only a portion of the water savings would reach Walker Lake.

Comment Number		Last Name	First Name	Comment	Response
PHR-	16	Sill	Ms.	Will any of the three alternatives provide the 50,000 acre feet per year needed to reduce the TDS of the lake to 10,000?	Given enough funding and willing seller participants, any alternative could provide an additional average inflow of 50,000 af/yr to Walker Lake. However, with a funding level of $56 million, it is estimated that only an average inflow of 7,300 af/yr would reach Walker Lake for Alternative 1. For Alternative 2, the inflow augmentation would last only until funding ran out, which would be between 3 and 20 years depending on the funding level available for leasing. For Alternative 3, it was estimated that lake inflow could increase by 32,300 af/yr if average overall irrigation efficiency were increased to 75%. The Alternative 3 estimate is somewhat hypothetical because it would be difficult to attain 75% efficiency everywhere. In addition, the Alternative 3 estimate does not include crop shifting, which, if included and given sufficient participation by farmers, might be able to bring inflow augmentation up to the goal of an average 50,000 af/yr. If inflow is increased by an average 50,000 af/yr in perpetuity (or at least about 80 years), TDS may drop to about 11,300 mg/L (see Table 3-19 of the Revised DEIS).

Comment Number		Last Name	First Name	Comment	Response
PHR-	17	Matzoll	Mr.	A follow-up question on that, is your goal is to get 50,000 acre feet and try to acquire the funding to get the 50,000 acre feet?	The objective of the Revised DEIS for all acquisition alternatives is to analyze acquiring sufficient water from willing sellers to increase average inflow to Walker Lake by 50,000 af/yr. This objective was selected based on several prior studies, which indicated that additional inflow of approximately this amount would lead to significant reductions in Walker Lake TDS concentration and improve the health and viability of the lake. Please see Chapter 3, Water Resources, for additional information. The Revised DEIS states that significant additional funding would be needed to acquire enough water rights to achieve an average inflow of 50,000 af/yr. Acquiring additional funding is not Reclamation's role; funding has been and would likely continue to be decided upon and allocated by Congress.
PHR-	18	Matzoll	Mr.	Another follow-up question. It would take about 82,000 acre feet with a 33% loss? Do those losses include not only the length of the river channel but also feeders on the irrigation canals?	Losses do not include feeders on the irrigation channel. The estimated volume of water to be acquired is the volume of water at the points of diversion. For example, because of canal conveyance losses, the average 82,000 af/yr for the Full Transfer Scenario would correspond to a much smaller volume of water reaching the fields.
PHR-	19	Matzoll	Mr.	I understand the 33% in each of the three subareas you would take a third of agricultural land out of here and a third out of here and a third out of here. I have other questions on that. In talking about the 82,000 acre-feet target number to acquire the 50,000 acre-feet delivery to Walker Lake, does that loss of 30,000 acre feet occur along the river through the canals and all the delivery systems that are out there to each one of the farms?	Please see Response to Comment PHR-18.

Comment Number		Last Name	First Name	Comment	Response
PHR-	20	Lynn	Susan	I would just like to say that is a huge document to read online. I know it's very expensive to print them, but it's also very difficult to read online.	Comment acknowledged.
PHR-	21	Lynn	Susan	A CD (compact disk) is still reading it on the computer, but thank you I'll take you up on your suggestion to get a CD.	Comment acknowledged.
PHR-	22	Strickland	Rose	*After the hearing the following comments of the Toiyabe chapter of the Sierra Club were read to the court reporter:* The Sierra Club has worked hard since the 1990s in cooperative efforts with Mineral County, federal agencies, state agencies, the Walker River Paiute Tribe, residents at Walker Lake to acquire water to save Walker Lake's fragile ecosystem.	Comment acknowledged.
PHR-	23	Strickland	Rose	We thank the Bureau of Reclamation for preparing this EIS so that the public can learn more about and comment on alternatives and potential impacts of acquired water for Walker Lake and to help environmental restoration in the Walker River Basin.	Comment acknowledged.
PHR-	24	Strickland	Rose	These are preliminary comments based on a short review of portions of the Draft EIS. The Sierra Club will submit written comments after we've had a chance to study the DEIS.	Comment acknowledged.
PHR-	25	Strickland	Rose	We strongly support water acquisitions for Walker Lake and environmental restoration in the Walker River Basin. Walker Lake is a local, state, national and international treasure. There are only a handful of terminus lakes left in the world. It is very valuable for its fisheries, its recreation, its wildlife especially migratory birds, its traditional values for the Walker River Paiute Tribe, and for the economy and spirit of Mineral County.	Comment acknowledged.

Comment Number		Last Name	First Name	Comment	Response
PHR-	26	Strickland	Rose	We support buying water rights from willing sellers. We do not support Alternative No. 2 at this time because we do not believe that the middle agent WRID is needed between sellers and buyers of water for Walker Lake. Water rights funds will help put dollars in the local economy, which is good, especially during this economic downturn.	Comment acknowledged. See Standard Response 6, Alternatives. Revised DEIS Chapter 10, Socioeconomics, indicates that studies conclude that some portion of sellers typically can slightly increase expenditures in the local and regional economy. However, these expenditures are not typically large enough to offset the adverse socioeconomic impacts of lands withdrawn from agricultural production.
PHR-	27	Strickland	Rose	We also support water leasing and efforts to improve water efficiencies with the conserved water being transferred to Walker Lake. We support follow-up management of fallowed farm fields to prevent dust and weed problems.	Comment acknowledged. See Standard Response 5, No Mitigation in EIS.
PHR-	28	Strickland	Rose	Much more needs to be done to integrate sustainable surface and groundwater to benefit all water users.	Comment acknowledged. See Response to Comment PHR 14. The DEIS analysis provides insights into the relationship between ground water and surface water use in the Walker River Basin. These relationships will likely be raised by interested parties during the change approval process for acquired water rights, at which point issues related to integrated sustainable surface and ground water use may also be addressed.

WELLINGTON Public Hearing Comments

Comment Number		Last Name	First Name	Comment	Response
Public Hearings					
Wellington, Nevada					
PHW-	1	Hunewill	Phyllis	Caryn, my question is, there was a lot of discussion for the past year at the stakeholders' meetings addressing the Walker River Basin Project, including what the adverse impacts there might be to Bridgeport and Topaz Lake depending on when that water might be released during the year. You only seemed to be addressing the Nevada part of the plan in the EIS. I think it's very important, because this whole program is the purchasing of water and the University (or whoever) is going to control that. We need to know what problems are going to affect those two reservoirs, because they are very much recreational areas for Douglas County, for Mono County, both Bridgeport and Topaz Lake areas. Have you done any studies at all, are you addressing it in the EIS? Thank you.	See Standard Response, 12 Topaz Lake Reservoir and Bridgeport Reservoir.
PHW-	1 cont			Do you really know that? Is that a guarantee? Because we did a lot of discussion about that in quite a few meetings, and we haven't even got a varied answer from the University and the DRI yet. So I am assuming you might have a better answer, do you, that, is going to be released, you know?	See Standard Response, 12 Topaz Lake Reservoir and Bridgeport Reservoir.
PHW-	2	Fulstone	Steven	Follow up with that question. Why isn't the Bureau following and doing CEQA simultaneously with this EIS? And to follow up with that question, I understand that you now feel because the money is going to private entities that the EIS is not necessary.	See Standard Response 3, No FEIS/No ROD and Standard Response 4, CEQA Requirements.

Comment Number		Last Name	First Name	Comment	Response
PHW-	3	Fulstone	Steven	I would have to differ with that opinion because the Bureau has got the money and are required to give that money to the University of Nevada and NFWF. There is a trickle down following that money. So I think an EIS has to be done properly.	See Standard Response 3, No FEIS/No ROD and Standard Response 4, CEQA Requirements.
PHW-	4	Fulstone	Steven	I think a lot of your assumptions used in the EIS are, in my opinion, inaccurate, which matters because NFWF or the University would be following the EIS.	Comment acknowledged. Developing assumptions for environmental analyses is common in an EIS and often required when it is not possible to determine all aspects of implementation of a project in advance. The Revised DEIS strived to fully explain each assumption. The commenter did not provide specific information on what assumptions in the DEIS the commenter finds are inaccurate.
PHW-	5	?	?	Why didn't you do CEQA in this document?	See Standard Response 4, CEQA Requirements.
PHW-	6	Weaver	Lura	This wildlife foundation is not a governmental agency, right?	NFWF is not an agency. It is a federally chartered nonprofit organization. It receives both charitable contributions and direct federal appropriations. See Standard Response 2, National Fish and Wildlife Foundation.
PHW-	7	Weaver	Lura	Is it like that evil land conservancy?	See Standard Response 2, National Fish and Wildlife Foundation.
PHW-	8	Weaver	Lura	Would NFWF pay taxes? Would they own land?	Under the terms of existing option agreements (if exercised), and in light of the requirements of Nevada State law relating to water rights change approvals, NFWF will pay assessments on all acquired water rights the same as if the farmer from whom the water rights were acquired continued to own them. (NRS 533.370(1)(b) states in part that "…the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if…[t]he proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district…") NFWF could also acquire land and related interests as authorized in the related public laws for the Acquisition Program, and in doing so would comply with all legal requirements

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					pertaining to applicable fees, taxes, and assessments; however, the primary focus of the Acquisition Program will continue to be to acquire water and water rights to increase inflow at Walker Lake.
PHW-	9	Snyder	Ed	In the last two or three years the Walker River Paiute Tribe has been funded to fallow their agricultural lands. How much funding did they have and where do those funds come from? Also how much water got on the lake with this program?	Fallowing by WRPT occurred in 2007, 2008, and 2009. The funds for the fallowing program came from an earmark in PL 109-103 as follows: "(b) (1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; PL 107-171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe. (2) Water acquired under paragraph (1) shall be– (A) acquired only from willing sellers; (B) designed to maximize water conveyances to Walker Lake; and (C) located only within the Walker River Paiute Indian Reservation." Not all of the $10 million has been expended. During all 3 years of the fallowing program, April through October flow downstream of WRPT's Canals 1 and 2 (measured at USGS Little Dam Gage 10301745) has exceeded the WRPT water right of approximately 9,400 af/yr, indicating a full transfer of water from the WRPT to the Walker River.

Comment Number		Last Name	First Name	Comment	Response
PHW-	10	Renner	Don	The information you have in the EIS, what is the impact on Lyon County?	The Revised DEIS impact analysis includes 13 resource chapters that evaluate impacts of the Acquisition Program on Lyon County. Impacts on land use (Chapter 7) socioeconomics (Chapter 10 and Chapter 7), and environmental justice (Chapter 13) are some of the impacts assessed in these resource chapters. The land use assessment addressed the consistency of the Acquisition Program with Lyon County and City of Yerington land use policies and impacts on agricultural production. The socioeconomic analysis addressed potential changes in sales tax and property tax revenues generated in Lyon County. The socioeconomic assessment also estimated the changes in employment and personal income generated in Lyon County and Mason and Smith Valleys. The environmental justice assessment reported the potential disproportionate impacts of implementing the acquisition alternatives on low income and minority populations residing in Lyon County.
PHW-	11	Renner	Don	Is there a dollar amount evaluated?	The socioeconomic assessment quantified expected changes in agricultural production and personal income. The change in agricultural production was reported as an annual loss in production value that ranged from $7.8 million to $9.9 million. The change in personal income was estimated to range from $2.2 million to $2.8 million.
PHW-	12	Renner	Don	After we allow this 50,000 acre feet to go down to the lake, the TDS level is reported to decrease to 11,000. Did you do an impact analysis of the figures to see how long it is going to last at that level?	See Standard Response 14, TDS.
PHW	13	?		So, total 2200?	The analysis extends up to the year 2200.See Standard Response 14, TDS.
PHW	13 cont	?		So, you are saying no more water for 200 years from now?	Flow augmentation would be in perpetuity for Alternatives 1 and 3. See page 3-52 of the DEIS.
PHW-	14	?		What's the TDS level at that time?	The TDS level reaches a minimum of approximately 11,000 mg/L. See Standard Response 14, TDS.

Comment Number		Last Name	First Name	Comment	Response
PHW-	15	?		Otherwise it will be 11,000 continuously?	No, it would creep upward slowly. See Standard Response 14, TDS.
PHW-	16	Hunewill	Phyllis	Do you take into consideration evaporation off of that lake because it's pretty high?	Yes. Evaporation is a key part of the lake analysis. Because groundwater is flowing into Walker Lake and not out, evaporation is the only way that water leaves Walker Lake. The methods for the lake analysis are discussed on pages 3-50 through 3-52 of the DEIS.
PHW-	17	Hunewill	Phyllis	Mr. Renner was asking about different values that you have given for the economy of Lyon County, and I noticed that you use an average current per acre value determined to be $529 per acre. And then you use current employment in income multipliers that were developed by the University as part of it. I understand there are no seasonal employees included in any of that. You also estimated the loss of employment in income using information also supplied by the University? How did the University acquire that information? Did they do any surveying of Walker Basin businesses in which Mr. Renner is owner of one or did Reclamation? How did they acquire that information?	There are many tools to solicit public opinion and conduct valid research; questionnaires and surveys are one of those tools, but not often used and are not a requirement. The commenter does not specify what additional information might have been gleaned from questionnaires and surveys and how the information might have been used. Reclamation is aware that numerous community meetings were held by the University to both share information on their economic research and solicit public input. The methodologies used in the University's economic study were appropriate for the study, as evidenced by the peer review process commonly accepted in scientific research.
PHW-	18	?		The EIS contractor asked questions of us at the County regarding the EIS. We asked a professor at the University how we could come up with some of that information to supply for the EIS, and it was suggested that we do surveys. Now there isn't any time for us to be able to do that. Surveys would be the proper way to get the information from the various businesses in this Walker Basin to see exactly how the Acquisition Program is going to affect something, but the time is not going to allow us to do that. We don't have other alternatives either, but I would think whoever is putting	See the Response to Comment PHW-17 regarding surveys and questionnaires. The DEIS analysis was based on the information reported by the University and supplemented with statistical data published by the U.S. Census Bureau, U.S. Department of Agriculture, U.S . Department of Commerce and U.S. Fish and Wildlife Service. Reclamation requested that Lyon County and other entities be Cooperating Agencies to provide information to the DEIS regarding their area of expertise and jurisdiction in order to fully disclose expected impacts of the Acquisition Program. Lyon County was assumed to have some existing data regarding economic attributes of their county and requests to them assumed the

Comment Number		Last Name	First Name	Comment	Response
				this EIS together and who is also doing the project would have taken the time to do surveys.	information was already available. It appears that some or all of the requested data and information was not available in County records or databases.
PHW-	19	Compston	Jacquie	I looked up the National Fish and Wildlife Foundation. Why is Orvis involved with NFWF? In this public type of partnerships I didn't quite understand why Ted Turner, Chevron, BP and Shell are involved. Could you please explain that to me? Because I don't understand what they have in relation with fish or wildlife.	This comment comes from information obtained from NFWF's website. The list of entities the commenter mentioned are part of a variety of corporate companies and foundations with whom NFWF has partnerships to assist in their efforts to support fish and wildlife conservation goals. Per its authorization by Congress, NFWF's Board of Directors is appointed by the Secretary of the Interior. For more information about each of these partnerships, the Board of Directors, or the mission of NFWF, please see NFWF's website at www.nfwf.org.
PHW-	20	?		Who did select NFWF and why?	Congress selected NFWF; the legislation does not give a reason for the selection. NFWF was likely considered because they have experience in working directly with willing sellers as well as irrigation districts, tribes, state and federal agencies, local governments, and other stakeholders to acquire water and water rights to restore depleted stream flows in an interstate river basin setting. See Standard Response 2, National Fish and Wildlife Foundation (NFWF).
PHW-	21	Arel	Quessenberry	What affect will this water going downstream from here have on the aquifers from the top of the river to the bottom, and how would you know that as a fact?	See Standard Response 15, Groundwater Impacts.
PHW-	22	?	?	Adverse impacts to groundwater would affect a lot of places where wells are supplying large areas and people who have on their own wells on their own farms. That doesn't sound too good to me.	The acquisition alternatives could result in a decrease in groundwater recharge (and, therefore, groundwater levels) in the Walker River Basin. While recharge is expected to increase along the margins of the Walker River itself, decreased recharge is associated with reduced irrigation water application and is considered an adverse impact, which would be potentially adverse to some well owners. Decreases in groundwater levels could affect wells if well depths are close to the top of the aquifer. Groundwater levels have fluctuated over time, but have

Comment Number		Last Name	First Name	Comment	Response
					generally been decreasing (see Figures 3-16 and 3-17 in the Revised DEIS). Groundwater levels may or may not drop more quickly with the Acquisition Program. The effect of Alternatives 1 and 2 on groundwater levels would depend on the restrictions placed on the transfer of water as well as the fate of supplemental groundwater pumping rights that are associated with acquired water. If water is transferred in a manner similar to the Full Transfer Scenario, then groundwater levels could decrease. However, if water is transferred in a manner similar to the Consumptive Use Scenarios, the groundwater levels could be unaffected by the Acquisition Program or could even increase relative to the No Action Alternative. See Chapter 3 for a discussion of these scenarios. The potential effects of Alternative 3 on groundwater levels could be relatively large, depending on what efficiency measures are implemented. For a more detailed discussion of potential groundwater effects, please see Impact WI-8 in Chapter 3, Water Resources.
PHW-	23	Jensen	Dennis	When you have a willing seller, do you buy his entire water right or just his consumptive use?	See Standard Response 11, Whole Water Rights vs. Consumptive Use.
PHW-	24	?	?	Can the willing seller sell you his entire water right?	A willing seller can offer to sell all or a portion of the water rights (and related interests) that he/she owns. In general, sellers determine what they are willing to sell, and buyers determine what they are willing to buy, subject to the terms set forth in negotiated option and purchase (and/or purchase and sale) agreements.
PHW-	25	?	?	So you can't really answer? What makes a difference is how much value in the dries up.	See Standard Response 11, Whole Water Rights vs. Consumptive Use. The NSE makes decisions on a case-by-case basis. What might work in one area may not work in another area. The Revised DEIS evaluation considers two scenarios (full transfer and transfer limited to consumptive use).

Comment Number		Last Name	First Name	Comment	Response
PHW-	26	Renner	Don	Was any consideration given in the study for dividing the lake in two or thirds with a levee to drain the salt? This idea was proposed by David Haight.	The Revised DEIS analyzes acquisitions from willing sellers as directed in PL 109-103. The Purpose and Need for the Revised DEIS analysis is to comply with direction in public law for Reclamation to provide funding for acquisitions. Actions were eliminated from detailed analysis in the Revised DEIS if they did not meet the Purpose and Need for the Acquisition Program and/or they were not considered to be reasonable for environmental, legal, financial, or technical reasons. This does not preclude future actions that may be authorized by Congress that could involve actions other than acquisitions to address Walker Lake environmental issues.
PHW-	27	?		The legislation excluded that information on other ways to address Walker Lake salt levels?	The legislation specified that funding was to be made available for "(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and (B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin...".
PHW-	28	?		Well, I think I'll make a statement then. As a business person I will probably have to reduce my size. I am already a small business in a small area, not like situations may be in Idaho or California. It's difficult. And I feel like, and I am sure you see this on TV every day, the town-hall meetings are getting out of hand and it's because we are losing our voice. This Acquisition Program is all pre-determined, and I felt like the first meeting we had, somebody in this room, stood up and asked “will the EIS do any good to change the decision?” You answered and I understood it was no, that it was already pre- determined by Congress and somebody that lives out of this area and not by one of us or the people in this area. It is a sad	Reclamation acknowledges this concern. Reclamation’s authority for action is directed out of the President’s cabinet, through the Secretary of the Department of the Interior. The President (and Secretary of Interior and Commissioner of the Bureau of Reclamation) gets the authority for action through legislation passed by our elected officials in Congress (and signed by the President). In that sense, the overriding directives for action for all federal agencies has been "pre-determined" as the commenter points out. PL 109-103 and PL 111-85 direct that funding is to be provided to the University or NFWF by Reclamation for their acquisitions from willing sellers through the Acquisition Program. The laws passed related to the Acquisition Program also directed the entity (NFWF) to implement the program. Therefore, Reclamation is not the decision-maker on the Acquisition

Comment Number		Last Name	First Name	Comment	Response
				situation. This turnout is what's happening to our country today. This room used to be filled and then people realized that we are not going to do any good. It's sad. I hope you and the University realize that the disconnect from our supporters to you to on this project. It's a sad day. (APPLAUSE)	Program. Reclamation's EIS process cannot be an approval/disapproval of the Acquisition Program because the acquisitions are directed by law. This is why Reclamation determined that they did not have authority to issue a ROD on the EIS.
PHW-	29	?		I just had an opportunity to read some more of the EIS document. One concern related to Mineral County, I noticed that spending profiles were developed to estimate expenditures made by visitors to national forests for selected activities, and those were used as a proxy for potential expenditures on similar activity occurring at Walker Lake. Can you give me any reason why you are using expenditures from national forests in order to come up with expenditures that you are going to presume are going to be made at Walker Lake? It seems a little stretch.	The Forest Service expenditure data was used as a proxy to describe the economic benefits that may occur if recreation activity increases at Walker Lake. After the socioeconomic assessment in the DEIS was completed, the assessment of recreation-related economic benefits of implementing the program conducted by the University (Bartholet et al. 2009) was updated to include a quantified assessment of these benefits. This updated information has been included in the Revised DEIS.
PHW-	30	?		Are purchasing paper water or actual water? I know the person who has been negotiating for those water rights is here in the room (Jim James of Western Development Storage contracted by the University). I would like to know what kind of consideration has been made because paper water is not what you are going to get. That's what is on their certificate, but it's not necessarily what's in the watershed. As you all know you don't get what the value is or the quantity that's on that paper water. How are you taking that into consideration?	See Standard Response 16, Paper Water vs. Actual Water.

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PHW-	31	?		So how does that affect the 50,000 acre feet that you are going to get to the lake? Do you come up with a different amount on how much you have to acquire?	See Standard Response 13, Acquisitions Required to Deliver 50,000 af/yr to the Lake. This standard response contains a discussion of the estimated amount of real water that is needed. These amounts would be much less than the total maximum face value of all the associated water cards.
PHW-	32	?		How long is the transporting of that water and are losses considered?	Transport losses were analyzed in the Revised DEIS and considered in estimating amount of water needed to provide 50,000 af/yr additional inflow into Walker Lake.
PHW-	33	?		What is the figure, taking all that into consideration? Maybe you are only going to get 50% of the paper water and also you are going to lose water in the transportation to the lake. So what is the acre-foot amount you are going have to purchase?	The Revised DEIS analysis indicates that an estimated 82,000 af/yr of water from upstream sources would need to be acquired to provide 50,000 af/yr inflow to Walker Lake. See Standard Response 13, Acquisitions Required to Deliver 50,000 af/yr to the Lake.
PHW-	34	?		Are you using the water model in order to come up with quantities that you are putting together? I think that was the question last night at the Yerington hearing. In Dr. Thomas's USGS Report, it says where originally a 700,000 slug of water to the lake is first needed. However your EIS study says that we don't need that, just need 50,000 acre feet inflow on an annual basis. Why aren't you using the water model that has been put together by the University and DRI, or did you use it to come up with your figures?	When available, information from the University and DRI water rights data base has been used in this Revised DEIS: however, the accompanying decision support tool (water model) is still being developed and has not been made ready for public use as of this writing. Under PL 111-85, additional funding will be provided to the University and DRI to continue development of the model and in January 2010 NFWF convened the first meeting of a technical working group to provide collaborative input into such efforts. Regarding the 700,000 af slug of water, please see Responses to Comments PHY-31 and L03-2.
PHW-	35			In regard to the University's model it seems that the model should been completed and used before you completed the project and the EIS. That would be very beneficial.	The University and DRI decision support tool continues to be developed [see Response to Comment PHW-34], and will be used as available to help guide decision making under the Acquisition Program going forward. Because the model is not currently available for public use, the Revised DEIS uses a water balance method to analyze potential impacts, based on the best public information available (including some provided directly by the University and DRI) and informed by repeated

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					consultations with the University, DRI, USGS, the federal water master, Cooperating Agencies, and others.
PHW-	36			I do have another question concerning Walker Lake and part of the EIS document. You are using some figures, U.S. Department of Interior, Fish and Wildlife Service from some type of report that was made in 2006. It says fishing trip expenditures were $61.4 million and wildlife viewing expenditures were $159 million. My question is, is that truly the figure for Walker Lake or are you using — is that a broader figure that has been provided for the whole area, the state of Nevada, or can anybody answer that question? How did you come up with $61.4 million and a $159 million that is shown annually for Walker Lake expenditures?	The fishing and wildlife viewing trip expenditure data reported by USFWS reflects expenditures made on these activities within all of Nevada and not just at Walker Lake. The information was included to help place the current expenditures associated with fishing and wildlife viewing activities at Walker Lake in context with total expenditures made in Nevada. The second and last sentences of the referenced paragraph in the Revised DEIS have been modified to reflect that the estimated $61.4 million spent on fishing and the $159 million spent on wildlife viewing are statewide expenditures. After the socioeconomic assessment was prepared for the public DEIS, the assessment of recreation-related economic benefits of implementing the program conducted by the University (2009) was updated. This updated information has been included in the Revised DEIS.
PHW-	37	Compston	Jacquie	In looking at all the material which you presented, I noticed that the EIS hasn't been completed and a statement about the National Fish and Wildlife Foundation. NFWF hasn't completed the project on the Columbia Basin, you haven't really followed through with anything, you haven't finished anything, and yet we only have 14 days to reply (or until September 14th). I just think that you need to go and put all of these answers in here and let us review it.	It is incorrect that there were only 14 days to reply with comments to the DEIS; the DEIS was released to the public on July 24, 2009, for a 45-day comment period. This period was extended, upon request, to October 5, 2009, allowing for a public comment period of 73 days. In addition, the Administrative DEIS was provided in sections of a manageable size to Cooperating Agencies over approximately 6 months. Since this comment was made by Ms. Compston at the public hearing, PL 111-85 was enacted. The law directs Reclamation to provide funding to NFWF or the University for the Acquisition Program. In December 2009, the University and NFWF signed an Assignment and Delegation Agreement conveying to NFWF all of the University's rights, obligations, and responsibilities for the Acquisition Program, including all existing option and

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					purchase agreements with willing sellers that the University entered into since 2007. The Revised DEIS has been updated to reflect NFWF's role under the new public law as well as the Assignment and Delegation Agreement. There is no reason to wait until NFWF completes the Columbia Basin Project, as it is not related to implementation of the Acquisition Program. The Columbia Basin Project was only mentioned to highlight NFWF's experience in working directly with willing sellers as well as irrigation districts, Indian tribes, state and federal agencies, local governments, and other stakeholders to acquire water and water rights to restore depleted stream flows in an interstate river basin setting.
PHW-	38	Compston	Jacquie	Give us more time to evaluate this, and especially since Senator Salazar the new Secretary of the Department of Interior is coming out in October. I really think that he needs to evaluate all of this before he gets here.	Comment acknowledged. On request, Reclamation provided a briefing paper to Anne Castle, Assistant Secretary for Water and Science, in June 2009, on Walker Basin desert terminal lakes projects, including the Acquisition Program.
PHW-	39	Kaffer	Dan	I'm with Western Nevada RC&D. Is there a restoration plan for the lands that will have the water removed from them? Is it going to be reseeded? What's going to happen to those lands? Is there going to be upkeep of those lands after it's been reseeded? This work should have been done in the Reclamation process.	See Standard Response 5, No Mitigation in EIS.
PHW-	40	Renner	Don	I understand now that we have enough willing sellers for the 80,000 af/yr of water from irrigation? Is that accomplished now with willing sellers?	No, option agreements as of December 2009 include enough water for an expected average yield of 24,933 af/yr additional inflow to the lake. This topic is discussed in Appendix 2B of the Revised DEIS. The maximum face value of the surface water rights under option as of December 2009 is 34,130 af/yr. However, because of varying availability of water for diversions, the yield from a water right is generally

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					significantly less than the maximum face value. The expected yield of the surface water rights under option as of December 2009 is 17,933 af/yr. Homestretch Geothermal water could increase the expected yield at the points of diversion to 24,933 af/yr. The amount of water reaching Walker Lake would be less.
PHW-	41	Renner	Don	I understand that the dollar values have been given to willing sellers, but is there a valuation of the water rights appraisal going on? Are you trying to appraise these water rights? What does that mean? If you resold them for certain value, is that going to change by your appraisal?	The University entered into option agreements with willing sellers that have now been assigned to NFWF. An appraisal of the water rights offered under the first such agreement was coordinated and overseen by the DOI Appraisal Services Directorate and was completed in November 2009. Appraisals for the remaining agreements are currently being pursued by NFWF.
PHW-	42	?		If you have the appraisal don't you have the green light to sell water rights?	Guided by the results of the first appraisal (see above) as well as the results of associated title research, NFWF and sellers entered into an amended option and purchase agreement and, following that, a purchase and sale agreement effective January 4, 2010. Close of escrow is contingent on several remaining purchase and sale contingencies, and will likely not occur for at least several more months.
PHW-	43	Mortensen	Joe	I am a County Commissioner. I don't really have a question, I just have several comments. First of all, I am greatly concerned about the fact that that the economic situation in the south end of the county is going to be reduced by a third. This has been mentioned earlier in this discussion.	Comment acknowledged. Economic impacts are discussed in Chapter 10, Socioeconomics, of the Revised DEIS.
PHW-	44	Mortensen	Joe	I know you guys talked about improving the efficiency by reducing the river flows by a third. Aren't you going to decrease the efficiency by reducing the flows by a third? I don't know how much the project you are planning on laser leveling and how much you are planning on putting into pipe, concrete ditches or whatever; but from the north end of	The evaluation of Alternative 3 is somewhat hypothetical in that it assumes that overall water use efficiency (net ET of crops divided by total water pumped and diverted) could increase from approximately 50% to 75%. Much of the increase in efficiency would likely result from improvements in conveyance efficiency because these losses are probably relatively large and easier to fix than inefficiencies in the application of water on fields. Actual

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				the county with the TCID project, efficiency dropped way off because as water flows that wets up the ditch, then the ditch dries up and you have to put more water in to recharge it again.	changes in efficiency would depend on how successful an efficiency program could be at finding participants and obtaining rights to saved water.
PHW-	45	Mortensen	Joe	With a third of the project being affected that's going to have big impact, the final impact that I am concerned here about is the property values. Nobody is going want to move to Yerington or Smith Valley if a half or a third of the fields are all dry and dead. Right now see how miserable and terrible it looks over there. So right here you are going to have a huge property value impact, devaluation as far as Smith Valley and Yerington is concerned, and I hope these areas have been addressed, because they are going to have a tremendous impact on the County.	Comment acknowledged. The Revised DEIS includes a discussion of the potential impacts of the alternatives on property taxes and property values. Based on the conclusions in the socioeconomic study conducted by the University (Bartholet et. al. 2009), the property tax revenues from agricultural lands in Lyon County represent a small proportion of Lyon County's annual budget. The Revised DEIS also discloses that implementing the Acquisition Program would most likely result in an adverse impact on the value of the properties from which water rights were purchased and may also have a secondary adverse impact on the other properties within the region as a result of reduced regional economic activity. Estimating the extent of these impacts is difficult because it is not known where willing sellers will be located geographically within the Basin. The DEIS described the uncertainties in estimating how programs affecting agricultural production may also affect property values.
PHW-	46	Compston	Jacquie	I haven't read your whole EIS, so maybe this is in it, but you keep referring back to the past law. I looked at your web site for where that money was distributed for the $200 million. And I felt it was extremely interesting to me coming from the Reno area following what has happened there over the past 40-50 years and noticing that money was going back and forth between the Truckee River and the Walker River. There were things like providing bottled water and water from Dixie Valley to Churchill County and I just wondered why you didn't include those projects in EIS or did you?	Reclamation has provided funding for projects as directed in the various Desert Terminal Lakes Public Laws. When required by specific projects, NEPA compliance was met. Projects that had related impacts were analyzed in a single NEPA document. Projects such as providing bottled water to Fallon school children and river restoration on the Truckee River are not related in any way to the Acquisition Program and therefore were not analyzed in the DEIS. Projects that are related and could have cumulative impacts are discussed in Revised DEIS Chapter 14, Cumulative Impacts.

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PHW-	47	?		The $200 million was spent on those other projects. That money probably could have been held to do re-vegetation work in the Walker Basin, something out on this Acquisition Plan, and I just wondered why that money that was in the bill to be spent here, was spent elsewhere?	The original public law designated $200, million t to provide water to at-risk natural desert terminal lakes; follow-on legislation clarified that the money provided in PL 107-171 could only be used for Pyramid, Summit, and Walker Lakes in Nevada. Additional public laws were passed that designated what the funding was to be used for and to what entities it was to be provided. The Revised DEIS Appendix 1B displays all the pertinent Desert Terminal Lakes Public Laws. Reclamation provides the funding as directed in these laws. See also Standard Response 5, No Mitigation in EIS.
PHW-	48	?		In the very first Draft EIS, there was a statement made regarding losses to agriculture, agricultural-related employment could be all offset if the landowners receiving payments chose to invest all or part of those payments locally. It said this could include raising and/or processing alternative crops or investing in other local business opportunities. That bothered me that first time I read it. There aren't going to be other business opportunities left in these two valleys. I see that you have changed that in every alternative except one. If I bring it to your attention, you might want to change it again in this particular alternative because somebody must have said something about that to have you change it. There really is not going to be other local business opportunities and sellers certainly aren't' going to be investing in them.	Comment acknowledged. The text of Chapter 10, Socioeconomics (Alternative 1, Impact SOC-1) was revised to indicate that employment losses and other economic impacts could be only slightly offset if landowners receiving payments chose to reinvest locally. As discussed in Chapter 10, studies conclude that some portion of sellers typically increase expenditures in the local and regional economy. However, these expenditures are not typically large enough to offset the adverse socioeconomic impacts of lands withdrawn from agricultural production.

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PHW-	49	?		I was comparing the old Draft EIS that I have to the new draft. I was particularly looking for that because it really kind angered me when I first saw it. As you all know, you are taking away all these opportunities, and then say other people who are going to be receiving money for the water are going to now invest on local businesses. You just heard what the local businesses are going to be doing and the impacts to them.	Comment acknowledged. See Response to Comment PHW-48.
PHW-	50	?		The pages are all changed now. The Socioeconomic used to be 11 and now it's 10.	Comment acknowledged.
PHW-	51	Compston	Jacquie	I was reminded by a friend that you really have to purchase only one third of the water and then the other two thirds of agriculture just automatically collapse because our system is so inter-related.	Comment acknowledged.
PHW-	52	?		It really is stated that is what had happened in the Bishop area, in a book that's written about that. It says one third is all you have to purchase and the rest the goes.	Comment acknowledged. USFWS is partnered with the State of Nevada, the Nevada Waterfowl Association, BIA, and others in a water acquisition program in the Carson Division of the Newlands project. Approximately 39,700 af of water have been acquired to date, representing approximately 25% of available water rights in the Lahontan Valley. Fallon still has a viable agricultural community.

YERINGTON Public Hearing Comments

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Public Hearings					
Yerington, Nevada					
PHY-	1	Whitesides	Justin	I am representing the Yerington Paiute Tribe. I was reading the EIS and I know you use a number of 50,000 acre feet per year of water to provide to the lake. I was wondering if that's to reverse the lowering of the lake and also lower the total dissolved solids. What is required for the lake to reach the equilibrium so it won't lose any more water?	See Standard Response 13, Acquisitions Required to Deliver 50,000 af/yr to the Lake and SR 14 TDS. If lake inflow is constant, the lake will eventually reach equilibrium. If inflow is low, the equilibrium lake level will be low (surface area and lake evaporation would be small). If inflow is high, then the equilibrium lake level will be higher (higher inflow can compensate for higher evaporation from a larger surface area). Evaporation is a key part of the lake analysis. Because groundwater is flowing into Walker Lake and not out, evaporation is the only way that water leaves Walker Lake.
PHY-	2	Whitesides	Justin	What are you thinking about maybe combining some of the alternatives to buy enough water rights to where the lake reaches the equilibrium so it won't lose any more water? And what about maybe combining some of the alternatives to buy enough of water rights where it reaches the equilibrium then leasing water to lower the total dissolved solids?	See Standard Response 6, Alternatives.
PHY-	3	Whitesides	Justin	From what I read, the 50,000 that you have projected actually reverses the decline of the lake, so Walker Lake would continue to rise rather than just be stabilized at one lake level. Is there a number that protects the equilibrium so Walker Lake won't lose any more water and won't gain any more water? I don't think I saw that.	See Response to Comment PHY-01.The Revised DEIS analysis did not look at trying to equalize or stabilize the lake so that it doesn't lose or gain any additional water. The goal of the Acquisition Program is to provide enough annual inflow of water to the lake to reverse the decline of the lake and work toward environmental restoration of the lake.

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PHY-	4	Whitesides	Justin	Would the evaporation of the lake each year be equal to where the total dissolved solids were kept the same because with a certain volume in Walker Lake from 50,000 acre feet per year additional water will the lake reach equilibrium? Will the lake also start refilling itself?	See Response to Comment PHY-01. If lake inflow is increased by an average of 50,000 af/yr, the lake will eventually reach an equilibrium level that is higher than the current lake level. In actuality, because natural inflow is variable from year to year, the lake level will eventually end up varying up and down from a new higher equilibrium. TDS levels will adjust with the new equilibrium level of the lake.
PHY-	5	Thompson	Clifford	You mentioned in the presentation a future study of the watersheds. Several years ago had about $80 million to restore the watersheds. Whatever happened to that money?	See Standard Response 9, Acquisition Program Funding.
PHY-	6	Thompson	Clifford	Are we doing this a little bit backwards? Water doesn't come from the agricultural basin, it comes from the watershed. You are trying to trade economics for environment here.	Comment acknowledged. The Acquisition Program impacts shown in the Revised DEIS includes both improved environmental conditions at Walker Lake and in the Walker River and adverse impacts related to reduced agriculture in the upstream communities.
PHY-	7	Thompson	Clifford	The first part of my question was what happened to the funding? Where did the money go? Could you give us a piece of paper to me and everybody in this room, any statement to show us where the money went?	See Standard Response 9, Acquisition Program Funding.
PHY-	8	?	?	The money was to be there until expended. I don't know where it was expanded on the watershed.	See Standard Response 9, Acquisition Program Funding.
PHY-	9	?	?	The money was appropriated for the watersheds and to be made available, until expended, for the watershed period?	See Standard Response 9, Acquisition Program Funding.
PHY-	10	?	?	Where is the rest of the money?	See Standard Response 9, Acquisition Program Funding.
PHY-	11	?	?	Is that funding for future research?	As of December 2009, $9.6 million out of $11.1 million allocated has been expended for research by the University. There is new research funding for NFWF under PL 111-85 for the University and DRI in the amount of $5 million.

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PHY-	12	?	?	It keeps saying environment and not economics. The first word in the EIS is environmental.	The DEIS (and Revised DEIS) evaluate both economic and environmental impacts.
PHY-	13	?	?	It doesn't matter, Senator Reid is mentally ill. I think everybody in this room agrees. Anybody agree, hold up their hand. It's sick.	Comment documented.
PHY-	14	Jeff.	F.	Comment on the National Fish and Wildlife Foundation, are they the local entity that is meant to acquire or sell water?	See Standard Response 1, Acquisition Program Transfer from the University to NFWF; and Standard Response 2, National Fish and Wildlife Foundation (NFWF). See also the Response to Comment PHY-15.
PHY-	15			The water that they acquire, right?	NFWF would be the entity that is acquiring water rights. PL 111-85 includes "the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program". It is Reclamation's understanding that NFWF will be implementing the Acquisition Program in conjunction with creation of a local advisory committee which will provide input to guide NFWF's investments under the Walker Basin Restoration Program as authorized.
PHY-	16	Busselman	Doug	My name is Doug Busselman, and I have several questions. One of the questions deals with how much has been spent or budgeted for the EIS process that you are going through?	See Standard Response 9, Acquisition Program Funding.
PHY-	17	Busselman	Doug	The University is holding the contract for the EIS that you did?	Yes. Federal agencies often have third-party entities (such as the University for this project) that have the NEPA contract. In these situations the federal agency is required to select the contractor and direct the contractor's work. The federal agency has the ultimate responsibility for the EIS.
PHY-	18	Busselman	Doug	Is it common for the Bureau of Reclamation to go through the NEPA process without having a record of decision as a result of that activity?	There are situations where an EIS is prepared and for a variety of reasons a ROD is not issued.

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PHY-	19	Busselman	Doug	What role does BOR maintain in the process following the completion of the NEPA process? After you said that University or this nonprofit would be the ones who would be owning or managing the water you said it is yet to be determined if somebody else might own the water. What role does BOR have in the going forward basis?	Reclamation's role after the Revised DEIS is issued is to administer the grants provided to various entities under the authorities of the Desert Terminal Lakes Public Laws. For the Walker Basin, this currently includes grant funding to WRID, WRPT, NFWF, FWS, USGS, DRI, the University, and NDOW.
PHY-	20	Busselman	Doug	My last one. As I understand it, when the Desert Terminal Lakes Program was created, you were then, as an agency, given the responsibility for the management of that program. Isn't there any kind of overall management program or plan that is in control of how the results of the Desert Terminal Lakes Program are carried out? In other words, my question is: Are you as an agency willing to at some point in time take an oversight role by virtue of the management to somehow control the process beyond just doing the EIS that nobody is bound by anyway?	Reclamation was not authorized to take an oversight role in the public laws passed by Congress related to the Desert Terminal Lakes Program. Appendix 1B of the Revised DEIS lists all the related public laws. Reclamation is authorized in those laws to provide funding to other entities given the responsibility to implement the various actions and programs outlined in the public laws.
PHY-	21	DeGrendele	Dave	Who actually is the National Fish and Wildlife Foundation?	See Standard Response 2, National Fish and Wildlife Foundation (NFWF).
PHY-	22	DeGrendele	Dave	I guess I have to Google to find out who they actually are.	Comment acknowledged. See websites www.nfwf.org and www.cbwtp.org.
PHY-	23	DeGrendele	Dave	As far as the Socioeconomic impacts, was anything studied for the long-term economic impacts specifically the head prices, the retail, as far as California for livestock, the dairy industry, and the changes that are coming in our food prices because of this project?	The Revised DEIS discloses the socioeconomic impacts on Lyon and Mineral Counties. The impacts of program implementation on commodity prices or agricultural operations outside of the two-county study area were not assessed.

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PHY-	24	Grady	Tom	My name is Tom Grady, District 38. I have two questions on your slides. In one of them you stated that Nevada State Engineer has a complete authority over water, which we hope is the truth and will continue; however there is legislation right now that can reverse that, where the feds will have full authority over every mud puddle in the State. Do you feel that this will have an effect on this program?	It is believed that this comment was in regard to U.S. Senate Bill S-787, which would extend the coverage of the Clean Water Act to all waters of the United States, not just navigable waters. If this bill were enacted, it would not take power away from the NSE and it would not affect the Acquisition Program as far as we know. Also see Response to Comment PHY-25.
PHY-	25	Grady	Tom	I think it is very important that it be included somewhere, because if we lose the authority of the Nevada State Engineer, certain people would be taking more than 50,000 acre feet of water and that really concerns us.	See Response to Comment PHY-24. In the state of Nevada, the NDEP Bureau of Water Quality Planning (BWQP) helps to administer the Clean Water Act. Walker River and Walker Lake are already covered by the Clean Water Act, so passage of Senate Bill S-787 would not affect changes in oversight of these water bodies.
PHY-	26	Grady	Tom	On one of your slides you reported that it would have a positive recreation impact to Walker Lake, but no impact upstream. I'm wondering what about our hunting, fishing, hiking, bird watching, recreation in general. If we are losing our water, how could anyone say it will have no impact on this area?	Comment acknowledged. Chapter 11, Recreation, has been revised to address adverse impacts on recreational hunting and wildlife viewing from loss of agricultural land. The beneficial impacts on fishing in upstream areas are discussed in the same chapter under Impact REC-6. In the DEIS, impacts on recreation on public lands were considered. Water would not be acquired from any public lands, only from private properties. The acquisition alternatives would not affect recreation on upstream public lands. Recreation along and within the rivers would improve as water would be added, not removed, from the river reaches, but in quantities within historic ranges that would not damage any existing facilities.
PHY-	27	Whitesides	Justin	The last time I commented they were putting off the pump-back well system to test the efficiency. Will you guys go back and address that also? They punch in a bunch of 156 more groundwater wells. But this pump-back well system that will probably change.	The commenter was encouraged at the public hearing to send in this comment but did not. We believe this is about the Anaconda Mine cleanup. If so, the answer is no, a discussion of the efficiency of the Anaconda Mine cleanup is not within the scope of this Revised DEIS.

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PHY-	28	Hunnewill	Phyllis	I am a Lyon County Commissioner. I am curious about how you acquire socioeconomic information on Lyon County? We have been approached, but nobody got back to us. Where did you get the information?	The socioeconomic analysis was based on the information collected and reported by the University as part of their study (Bartholet et al. 2009) and supplemented with population data published by the U.S Census Bureau and agricultural data for Nevada and Lyon County published by the U.S. Department of Agriculture, National Agricultural Statistics Service. Chapter 17, References includes references for all the data sources used in the socioeconomic assessment. See Standard Response 10, Socioeconomic Impacts.
PHY-	29	?	?	The problem is the EIS uses analysis on the whole county. You are getting a picture of the whole county rather than this area that will be impacted.	To address this concern, Chapter 10, Socioeconomics, was revised to identify specific impacts expected to occur in Mason and Smith Valleys; much of this discussion is qualitative rather than quantitative because specific data does not exist (or if it does the preparers of the Revised DEIS were not aware of it). Statistical data is reported in the USDA Census of Agriculture at the county level. Typically, the Census of Agriculture does not report information at a more refined level because of concerns regarding proprietary information. This would include the information regarding the financial performance of individual operators within a smaller study area. The DEIS did include total and agriculture-related employment in Mason and Smith Valleys. This census-tract level information is reported by the U. S. Census Bureau. The impact analysis also included an assessment of the potential employment impacts that would occur within Mason and Smith Valleys (Impact SOC-1. Change in Total Employment as a Result of Changes in Agricultural Production). The Revised DEIS has been modified to include a separate discussion of impacts on employment in Mason and Smith Valleys.

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PHY-	30	?	?	I noticed that your EIS contract is with the University and that you quote a lot that from the University that pertains to their Walker River Basin Project? Is that what you normally do?	The peer-reviewed research done by the University and DRI provides state-of-the-art latest available scientific information that specifically studies current conditions and issues in the Walker River Basin. Excluding this current research by highly qualified scientists from the Revised DEIS analysis would be irresponsible and would invalidate the analysis. The Revised DEIS analysis also relies on numerous other published research; local, state, and federal agency expertise, publicly available data; public comment; tribal consultations; and information provided by Cooperating Agencies with jurisdiction and expertise related to the Walker River Basin. Federal agencies often have third-party entities (such as the University for the Acquisition Program) that have the NEPA contract. In these situations the federal agency is required to select the contractor and direct the contractor's work. The federal agency has the ultimate responsibility for the EIS.
PHY-	31	?	?	The EIS seemed to rely heavily on the USGS Thomas Report, and if I remember correctly in that report, Dr. Jim Thomas stated that there was a need for initial slug of water. It was flood slug of water — 700,000 acre feet, I think. His report stated the lake needs that amount of water before you then start the annual input of the 50,000 acre-feet inflow. I believe now he's changed his mind. So because you don't seem to be addressing that initial slug of water what does your analysis mean? You can get that amount in a year where there is a flood. The whole Thomas Report is based on that initial slug of water. You need that slug of water and then you get the 50,000 on an annual basis in order to get the TDS down in the lake.	The Revised DEIS includes information from Thomas 1995 as well as from numerous other sources. Some of the numbers from the Thomas report are used for the low lake inflow scenario. The 700,000 slug would not alter the eventual equilibrium lake level that would be attained, although it would speed up the amount of time needed to reach the new equilibrium. A single wet year like 1982-83 can result in a one-time inflow at or near 700,000 af/yr. The approximately 50,000 af/yr additional inflow used in the Revised DEIS is a general amount of water that would be expected to begin to reverse the decline of the lake and provide restoration benefits. Ongoing monitoring and evaluation by various entities is expected to occur as the Acquisition Program is implemented to assess how acquired water affects the lake and the goals of restoration.

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PHY-	32	?	?	I just notice you say you are using a document to rely on, but you are not relying on it?	The Thomas 1995 report was used to help set the goal of augmenting inflow by an average of 50,000 af/yr. As noted above, evaluation and monitoring of the Acquisition Program during implementation is expected to occur.
PHY-	33	Busselman	Doug	Was there any evaluation on the analysis carried out on research looking at the integrity of the delivery system/irrigation system that you would acquiring water from in order to send it the lake? Was there was any kind of review analysis that took into account what might happen to the overall integrity of the system? There was no assumption built in that I can see in the alternatives that have spelled out whether or not maintenance and other charges in fees that a normal water right owner currently pays would be paid going forward with the purchaser. Is there any kind of information relating to that in the integrity of the overall irrigation system from this type of Acquisition Program?	According to the terms of existing option agreements (if exercised), assessments will be paid by the buyer upon acquisition of the irrigation water rights under option. In addition, under Nevada Water Law, the NSE cannot approve a transfer if doing so would impose additional costs on other water rights holders within an irrigation district. For both reasons, it is assumed that future assessments will be paid by the purchaser.
PHY-	34	Shaw	Jim	You just made a comment that you delayed the EIS because of the DRI and the University's studies weren't complete. Where did those studies stop on the river? How far down did they go? From the top to bottom? How far did they go down towards Walker Lake?	The University and DRI studies stopped at Wabuska. However, Chapter 3 of the Revised DEIS analyzed the impacts for the entire affected system, including down to Walker Lake.
PHY-	35	?	?	I just got an email this afternoon from Tom Lopes (?) USGS. They just completed their study, which I understand was from Wabuska to Walker Lake. The DRI study and the University study in my understanding stopped at Wabuska. So if your EIS only analyzes to Wabuska, I have a problem there as well.	The Revised DEIS analysis covers the entire Walker River Basin and Walker Lake.

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PHY-	36	?	?	The USGS study wasn't completed and incorporated in the DEIS?	The best available information was used for the DEIS analysis. The USGS study that came out after release of the DEIS has been reviewed and key conclusions regarding lake level are described and compared to the Revised DEIS results in Chapter 3, Water Resources (see HC-1 for Alternative 1).
PHY-	37	Whitesides	Justin	You are going to acquire water from the geothermal plant. What are you doing to ensure that water is safe and evaluate how it will affect the water temperature, water quality, Walker River downstream? I have heard that the water is a lot worse than the water in the other places.	Water quality from the Homestretch Geothermal plant is discussed in the DEIS. The full analysis of the Homestretch Geothermal water is being prepared in Reclamation's Environmental Assessment for the Homestretch Geothermal Pilot Project, which is expected to be released in 2010.
PHY-	38	Sanford	Jim	I have got three or four questions. Number one involves major semantics question in your draft EIS. You mentioned environmental restoration in the Walker River Basin. Don't you really mean the environmental restoration in Walker Lake? What restoration are you doing upstream of Walker Lake?	PL 109-103 authorizes that the acquisitions are to be those that NFWF (and previously the University) "determines are the most beneficial to– (B) environmental restoration in the Walker River Basin". The determination was made by those entities that acquisitions for Walker Lake were the most beneficial to environmental restoration in the Walker Basin. The acquisitions would provide water to improve the lake and instream river flows throughout the Walker Basin. Funding was provided through the Acquisition Program for other land stewardship and conservation activities under PL 111-85. Reclamation understands that NFWF has not yet developed their program for this restoration work. Other restoration work is occurring throughout the Walker River Basin as funded through Desert Terminal Lakes grants. This includes funding to WRID for a weed control program, to WRPT for a tribal water lease and purchase program to provide water to the lake, and funding to USFWS for riparian and riverine restoration.
PHY-	39	Sanford	Jim	Number two, you mentioned 50,000 acre feet additional annual inflow at the lake. Is there any estimate how much water that's going to take from Wabuska to the lake to assure 50,000 acre feet reaches the lake?	See Standard Response 13, Acquisitions Required to Deliver 50,000 af/yr to the Lake. Also see details in Chapter 3 of the Revised DEIS related to expected losses from Wabuska to the lake. It was estimated that approximately 10% of the acquired flow at

Comment Number		Last Name	First Name	Comment	Response
					Wabuska would be lost on its way to Walker Lake (see Incremental Increases in Losses between Wabuska and Walker Lake). Effective implementation of the Acquisition Program would require development of an operating agreement for Weber Reservoir and related facilities to manage both acquired and other water (including water associated with WRPT's decreed water rights and any excess flows) from the expected point of delivery at the Wabuska gage to the lower Walker River and Walker Lake. The agreement would provide assurance that water rights associated with the Walker River Indian Reservation Irrigation Project are not impaired, water is properly accounted for, and the safety of the downstream community is protected. It is anticipated that such an agreement would address a number of factors, including but not limited to the amount and timing of deliveries of acquired water to the Wabuska gage; reservoir operations criteria; physical losses between the Wabuska gage and Weber Reservoir; physical losses in Weber Reservoir as well as diversions into and releases from storage; physical losses and diversions between Weber Reservoir and Walker Lake; physical and safety constraints of hydraulic infrastructure and the downstream river channel; dam safety and flood control operating criteria; storage targets for irrigation season; and coordination, communication, and governance among affected parties for water measurement, delivery, storage, and release (Strekal pers. comm.).

Comment Number		Last Name	First Name	Comment	Response
PHY-	40	?	?	Ten percent loss is not equal to 82,000 acre feet?	The losses expected in the system are explained in detail in Chapter 3 of the Revised DEIS. The 10% loss term is only for the reach between Wabuska and Walker Lake. There would be additional losses upstream of Wabuska. See Standard Response 13, Acquisitions Required to Deliver 50,000 af/yr to the lake.
PHY-	41	Sanford	Jim	Can you guarantee that water will get to the lake?	Many steps have to occur before any acquired water would reach the lake. Administration of the Acquisition Program involves all aspects of program implementation, including but not limited to negotiating and exercising acquisition agreements, seeking all necessary water rights change approvals and agreements, and making decisions about the use of acquired water rights. Changes for decreed natural flow diversion rights would require NFWF to get approvals from the NSE and the U.S. District Court of Nevada, which has continuing jurisdiction under the Walker River Decree (Decree C-125). Changes for storage water would likely require WRID, NSE, and federal court approvals as well as California SWRCB approvals. Changes for state-permitted groundwater would require NSE approvals. Changes for state-permitted surface water would require NSE approval and WRID concurrence. Implementers of the Acquisition Program would also work with BIA and WRPT on an operations plan agreement for Weber Reservoir (described more fully in the Response to Comment PHY-39).

Comment Number		Last Name	First Name	Comment	Response
PHY-	42	Sanford	Jim	I would think you would have done that first. It's okay. And the last question. Can you or anybody else here guarantee that what we are proposing to save Walker Lake will work?	There are no guarantees that the Acquisition Program will save Walker Lake. However, the best available science to date from numerous studies and the Revised DEIS analysis shows that the approximately 82,000 af needed for an average 50,000 af/yr additional inflow into Walker Lake would begin to reverse the decline of the lake, lower TDS concentration and improve environmental conditions of the lake. Ongoing monitoring and evaluation of the Acquisition Program is expected to occur.
PHY-	43	Sanford	Jim	So without a guarantee, we just proceed, right? If it works, works, if it doesn't, then so what? Upstream is just out 82,000 acre feet a year?	The goal of the laws related to the Acquisition Program is to acquire water from willing sellers to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin. Upstream water-right holders who choose not to participate in the Acquisition Program will continue to receive their irrigation water. Those who choose to sell water rights will be compensated. Reclamation will comply with the direction given by Congress to provide funding for the Acquisition Program. The federal agency does not approve or disapprove laws passed by Congress. Analysis of the Acquisition Program in the Revised DEIS shows that the program would have a positive impact on restoration efforts for Walker Lake.
PHY-	44	Schildt	Dave	I have worked with the Fish and Wildlife Service in the Walker Basin. In April, they said that at that time the TDS level had gone from 16.1 in 2007 to 19.1 last year. So, I was wondering, why is it that the number was so much higher than the number that was presented here, 17,000 mg/L.	See Standard Response 14, TDS.

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